OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceeding, January 13, 1966

January 13, 1966

Court Room No. 1

City Hall

The Public Hearing was called to order by Chairman John W. Houston, Sr., at 7:30 P.M.

ROLL CALL

Present: Alfaro, Butterfield, Guas, Houston, Jones, Kelley, McComb-7.

Absent: None.

No. 1483

An appeal by Robin Darrow of 1221 N. Briarfield Drive to erect a garage building which will reduce the west side yard from 10 ft. 0 in, to 2 ft. 8 in. contrary to Section 36-44 (3) which requires that garages, when located less than 6 ft. 0 in. from lot line, shall be attached to the main building or connected with a covered breezeway.

The petitioner was present and stated the restrictions which covered his subdivision did not apply to his lot so he was therefore compelled to turn to the City Restrictions. The City Restrictions require him to have a 10 ft. side lot. Therefore in order to put a two car garage he would have to have a lot line reduction. He also stated that his house measured 34 ft. x 24 ft. and there is no room for an attached breezeway.

Mrs. Shaw, co-owner with her husband of a home at 1301 Briarfield Drive, which adjoins the property of Mr. R. Darrow, was present and read the following letter from she and her husband concerning Mr. Darrow's property:

"I am Mrs. Shaw, co-owner with my husband of a home adjoining the property of Mr. and Mrs. Darrow.

Mr. Shaw and I are in complete agreement with Mr. Darrow's wishes to build a garage 2 ft. 8 in from the line. However, because of Mr. Darrow's complete disregard of our property, using the part adjoining his as if we didn't even live there,

of his threat to sell to a minority group if we didn't sign his petition, which incidentally had no and never will have an effect on our living and remaining where we are, his implication to others signing the petition that we had already signed, which, at the time we had not signed, as the petition called for just 6 in. to be allowed from the line. Because of many other instances created by Mr. Darrow, we are compelled to do something completely foreign to our dispositions. That is that, permit allowed, Mr. Darrow build his garage without setting one foot on our property.

I regret doing this publically but if Mr. Shaw or I made it known to Mr. Darrow our wishes would be completely ignored."

It was moved by Butterfield and supported by Jones that the Appeal be denied, as the waivers requested are considered excessive.

Motion carried by the following vote:

Yeas: (8)

Nays: None.

No. 1484

An appeal by Grace E. Herig of 1138 N. Logan Street to enclose the existing open front porch which will reduce the front yard from 22 ft. 8 in. to 15 ft. 8 in. This request is contrary to Section 36-44 (4) of the Lansing Zoning Code.

The petitioner was not present.

The applicant states on the petition that the enclosure is needed for a safe play area for two small children.

There were no objections.

It was moved by McComb and supported by Gaus that the appeal be granted under Section 36-12 (7) of the Lansing Building Code and construction to comply with the City Building Code.

Motion carried by the following vote:

Yeas: 8.

Nays: None.

No. 1485

An appeal by Keith Donald Hamilton of 5436 S. Cedar Street to erect a garage building to be used as an accessory to a used car sales which is located on the premises. The work will be limited to washing, greasing, and light repair. This request is contrary to Section 36-36 (15) of the Zoning Code.

The petitioner states on his appeal that when washing, greasing, and light repair work is a necessary and important function of a used car lot. This work in a building rather than in the open would be an improvement to the appearance of the neighborhood.

Mr. Hamilton was present and stated that he bought this property twelve years ago before it was in the city and when he bought the property it was commercial and when they were annexed into the city it became "A-1" Family Residential. The zoning has been petitioned and zoned "F" Commercial. This does not give him permission to get a building permit to put this two car garage up that he needs. He has leased the shop in back for heavy repair so he has no place to wash and polish the cars.

There were no objections.

It was moved by Butterfield and supported by Alfaro that the appeal be denied. It is believed by the Board that this is not a matter of the Board of Appeals, but raher a zoning matter for the Planning Board.

Motion carried by the following vote:

Yeas: 8.

Nays: None.

No. 1486

An appeal by Donald Ducharme of 4120 Alpha Street to erect an eight unit apartment dwelling reducing the rear yard from 25 ft, 0 in. to 14 ft., This request is contrary to Section 36-46 (2) of the Lansing Zoning Ordinance which requires a 25 ft. 0 in. rear yard in the "D-M" multiple dwelling district.

Mr. Ducharme was not present.

Mr. Virgil Smith of 926 Dryer Farm Road was present and asked how this building would affect the parking situation. Mr. Church reviewed with him the proposed plan. He then stated that the lot use was satisfactory to him.

It was moved by McComb and supported by Keep that the Appeal be approved under Section 36-12. Due to the orientation of the building on the adjoining lot to the north this variation will allow a better building site.

Motion carried by the following vote.

Yeas: 8.

Nays: None.

No. 1487

An appeal by Bono Basile to convert a one family dwelling to a two family dwelling on a lot containing 2,640 sq. ft. This request is contrary to Section 36-45 (5) of the Zoning Code. The "C-2" Family District requires a lot area of 2,000 sq. ft. per family.

The petitioner was present and his daughter, Mrs. Pachicci, stated that the house is way too big for just one family to live in it. It does not have much yard so that it would not be appropriate to rent it to one family. When Mr. Basile bought the house he believed that it was two-family. He made it into a two family house in which only three people live at this time.

Mrs. Robert Savage of 116 Ferguson was present and stated; that she and her husband own the house across the street from the house in question and stated that Mr. Basile has cleaned up the yard and he has cleaned up the house and painted the house and he has made a joint driveway with the people next door and he has made a driveway entrance coming in from Jerome Street which gives them passage in and out of the drive without hindering the people next door. She and other neighbors have signed the petition to allow Mr. Basile to convert his house from a one family to a two-family.

Mrs. Perry of 120 Ferguson Street was present and stated that she is very much in favor of this home being rezoned.

It was moved by Butterfield and supported by McComb that the appeal be approved under Section 36-12 (7) of the Zoning Code.

Motion lost by the following votes:

Yeas: 5.

Nays: 3.

The motion failed for insufficient number of votes.

No. 1489

The appeal is to erect a multiple dwelling which will;

 Reduce the side yard from 24.29 ft. to 8 ft. 0 in.

- 2. Reduce the Cedar Street front yard from 20 ft. 0 in. to 15 ft. 8 in.
- Permit parking in the required front yards.

These requests are contrary to Section 36-47 (3), 36-37 (4) and Section 36-47 (6) of the Lansing Zoning Code.

Mr. James E. Burns of 440 Tussing Building was substituting for Mr. L. Farhat who is the attorney for Mr. and Mrs. Reid. He stated that the Board had the drawing of the plans and that he was not familiar with them, therefore he would not state anything further.

Mr. Reid was present but did not care to present any statement.

Mr. Melton Reed of 5765 Kaynorth, which is directly across from this property and he stated that he does not like to see an apartment building put up there at this time especially by the present owners. He has had to look at their trash burning barrel, and smell their french fries. He does not agree that the front yard of the property should be reduced.

Mr. Houston pointed out that the appellant plans to remove the restaurant.

Mr. Burns also indicated that the restaurant will be removed which is shown on the plans.

Mr. Ed Hicks was present, representing his mother who lives on Kaynorth, and asked what provisions are going to be made for parking?

Mr. Houston explained to the other interested people in the audience, that they all could look at the plans of this building and that it may answer their questions.

Melvin Whiteside was present and stated that the yard has never been kept up. Trucks have been stuck their every winter.

Mrs. Edmond Allen was present and stated that she does not like the new plans for the property.

Margaret Sperry of 5723 Kaynorth, was present and asked what the children are

going to do? Where are they going to play? She also stated that the property is an eye-sore and that the owners have Junk, trash and that the dogs get into the cans and make a mess.

Mrs. John Milhelisier was present and stated that the property is very unsightly. The neighbors would like something pleasant to look at.

Mr. Houston mentioned that the people present have only objected to the mess. If this is all that they are concerned with they could have called the building inspector.

Mrs. Carl Benton was present and stated that she would like to know more about the parking situation.

Mr. Guernsey explained that the appellant has more than one parking space per car,

A motion was made by Kelley and supported by Butterfield that the appeal be tabled until February 10, 1966 so that a detailed plan of the site layout and a proposed landscaping plan for the site could be submitted to the Board.

The motion carried unanimously.

Mr. Houston then read a letter from the City Attorney, Mr. Wanger, concerning Staff Reports.

There was discussion of the letter and when the Staff Reports should be made public information.

Mr. Kelley complemented the Staff for the fine reports. Before Mr. Guernsey became the Planning Director the Board never had a Staff Report and it certainly is helpful.

The Board asked that the Rules and Regulations of the Board of Appeals be sent to each one of the members.

Meeting adjourned at 9:00 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceeding, February 10, 1966

The Public Hearing was called to order by Chairman John W. Houston, Sr. at 7:42 p.m.

ROLL CALL

Present: Gaus, Houston, Jones, Keep, Kelley, McComb-6.

Absent: Alfaro, Butterfield-2.

No. 1489

An appeal by Joanne Reid of 4038 Pine Dell Drive North to erect a multiple dwelling which will;

- Reduce the side yard from 24.29 ft. to 8 ft. 0 in.
- Reduce the Cedar Street front yard from 20 ft. 0 in. to 15 ft. 8 in.
- Permit parking in the required front yards.

These requests are contrary to Section 36-47 (3), 36-47 (4) and Section 36-47 (6) of the Lansing Zoning Code.

Mr. Houston asked for a motion to remove this appeal from the table. It was moved by Gaus and supported by Keep that the appeal be removed from the table.

The motion carried by the following vote:

Yeas: 6

Nays: None.

The petitioner was present and Mr. James E. Burns, attorney for the appellant spoke before the Board. Mr. Burns stated that the last time that the appeal was before the Board, which was January 13, 1966, the Board requested that the petitioner present additional plans showing the landscaping and play area in the affected area. The petitioner since then has had a landscape architect go over the plot and present a plan showing parking and a play area. Unfortunately the petitioner does not like the plans presented by the architect—as much as it reduces the num-

ber of units from 11 to 9 and is in the process of sketching what he feels is a good proposed layout which would utilize the land giving him 11 units.

Citizens interested in the layout then reviewed the plans.

The general comments were that the main objections were concerning dirty yards, destruction of private property, concern about where the children were going to play, parking space, the distance from the adjoining neighbor, drainage on the adjoining property, which way the entrance to the building would face etc.

It was moved by Jones and supported by McComb that the appeal be denied because it is the belief of the Board that the granting of these waivers would allow overdevelopment of the land.

Motion carried by the following vote:

Yeas: 4.

Nays: 2.

No. 1490

An appeal by Dr. Orville McElmurry of 900 W. Ottawa to erect a sign 5 ft. high and 4 ft. wide non-illuminated. This request is contrary to Section 36-31 of the Lansing Zoning Code.

The petitioner was present and stated he had additional drawings of the sign and presented them to the Board.

Mr. Kelley asked Dr. McElmurry if the sign would affect traffic.

Dr. McElmurry stated that it would not affect traffic.

Mr. Kelley then asked if there had been any neighborhood objections to the sign.

Dr. McElmurry replied that he had contacted them and they had no objections.

The Board believes the restrictions pertaining to signs in the "D-1" District appears to create a hardship for this particular use, at this location. It was moved by Gaus and supported by Jones that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code, subject to the following conditions:

- That the size and structure of the sign be essentially as shown on the plan submitted.
- That the construction of the sign to comply with the Building Code.
- That this variance be for one nonilluminated sign.
- That the applicant apply for a sign permit before any further construction.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

It was moved by Jones and supported by Keep that an addition be made to the minutes of the Special Meeting of the Board of Appeals on December 15, 1965, and that it read as follows: 3. The faculty office buildings proposed for the Southwest corner of Genesee and Capitol and the Northwest corner of Shiawassee and Capitol does not create a hardship in that there is area available to site these buildings without a request for a waiver of front yard requirements.

Motion carried by the following vote:

Yeas: 6.

Navs: None.

It was moved by McComb and supported by Kelley that the minutes of January 13, 1966 be approved.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

The meeting adjourned at 8:55 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE HOUSING COMMISSION OF THE CITY OF LANSING

Proceedings, March 8, 1966

Meeting was opened at 3:50 P.M. by President Oliver following the interviews of two architectural firms.

ROLL CALL

Present: Commissioners Blackall, Clapp, Oliver—3.

Absent: Commissioners Owen, Patterson

Minutes of the meeting of March 1, 1966 were approved as printed after correction of date.

REPORT OF DIRECTOR

 Copy of report of Washington, D. C.'s demonstration leasing program were distributed to the Commission for their information.

UNFINISHED BUSINESS

 Draft of letter to be sent to Mayor and Council was read by Director and discussed by Commissioners.

Numerous suggestions were made, all of which will be evaluated by Director and Commissioner Clapp in making the final draft.

A meeting between the Commission and the Council will be arranged to acquaint the members of the Council with the work of the Housing Commission.

2. Copies of the following resolution was distributed to the Commissioners:

RESOLUTION NO. 12

RESOLUTION AUTHORIZING THE ADOPTION AND THE EXECUTION OF THE STATEMENT OF LOCAL AUTHORITY AS TO COMPLIANCE UNDER TITLE

A motion was made and seconded that Mr. Taylor of the American Bank and Trust be notified that the City is not interested in taking over control of parking in their lot in 900 block of W. Saginaw Street.

Carried.

The Board was informed that left turns from Allegan into Washington would be permitted except from 4 P.M.-6 P.M. and from Washtenaw into Washington.

A brief discussion was held relative to the night traffic problem of cars on Washington Avenue. Several suggestions were made but no solution to the problem was arrived at. Captain Eddie reported that an overlapping of shifts at Oldsmobile was creating a problem on Olds Avenue which affected Logan Street. Oldsmobile is requesting that left turns be prohibited west on Logan into their parking lot on SW corner Logan and Olds. The Traffic Engineer will inspect this area.

There being no further business meeting adjourned at 8:30 P.M.

Respectfully submitted,

LANSING TRAFFIC BOARD,

ALLEN T. HAYES, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, March 10, 1966

The Public Hearing was called to order by Vice-Chairman C. Bruce Kelley at 7:40 P.M.

ROLL CALL

Present: Alfaro, Gaus, Jones Keep, Kelley, McComb-6.

Absent: Butterfield, Houston-2.

No. 1491

An Appeal by Robert Spaulding of 300 E. Main Street to erect a one-family dwelling on a corner lot (6305 Marscot Drive) on which the required rear yard will be parallel with the street having the most frontage rather than parallel with the street having the least dimension.

This request is contrary to Section 36-1 (46) which describes a rear yard on a corner lot as being parallel to the street upon which the lot has its least dimension.

Mrs. Spaulding was present but did not care to make a presentation to the Board.

No one else appeared to speak for or against the appeal.

It was moved by Keep and supported by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code which states, "To permit a variation in the yard requirements of any district where there are unusual practical difficulties or unnecssary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

No. 1493

An appeal by the Lansing Broadcasting Company of 407 N. Washington Avenue to permit the temporary occupancy of a radio broadcasting studio in an existing building which is located in the "D-1" professional office district until September 1, 1966. This is contrary to Section 36-29 of the Zoning Ordinance in that this is not permitted in the "D-1" District.

Mr. E. L. Byrd of the Lansing Broadcasting Company was present and stated that

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this particular building comes very close to suiting the temporary needs of the broadcast purposes. There are certain partitions in this building that make it desirable. In working with Urban Renewal—in trying to find a place for temporary residence, this is the closest that we could find that would suit our needs. No television or other interference would be generated by our being in this vicinity.

It was moved by Keep and supported by Jones that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code which states that an unusual hardship or difficulty must be found to warrant a variation from the comprehensive plan. Due to the Urban Renewal Project the Board found that a hardship did exist in that their new building will not be ready until September 1, 1966. This temporary permit is to be terminated September 1, 1966.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

No. 1494

An appeal by Consumers Power Company to erect a regulator station on the east side of Waverly Road south of Kentfield. The property is zoned "A" one family which does not permit this type of operation.

Mr. Morton Smith of the Consumers Power Company was present and stated that as the load in a given area grows it is necessary to build these gas regulator stations which reduce from our supply line pressure to the pressure required to serve customers in the neighborhood. During the peak load of this year we had customers without gas. It is necessary to put these stations in a residential area because they are worthless if they are not in the area that they are being built to serve.

Some of the residents of the neighborhood were present and asked questions of Mr. Smith and he also showed them the site plans.

No one stated any specific objections.

It was moved by Jones and supported by McComb that the appeal be granted under Section 36-12 (4) which permits the erection of a building on the premises for public utility purposes.

Also that landscaping be provided under the direction of the Building Inspector.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

Mr. Kelley read the letter from Leo Farhat requesting that the Board allow him to speak and to show why the Board should consider appeal No. 1489. Mr. Farhat was not present. Mr. Kelley then stated that, "If Mr. Farhat had been present that he would not have been allowed to speak" as in the case of McVeigh vs. City of Battle Creek in which it was decided that Boards such as the Appeals Board "do not have the inherent power to grant a rehearing." The request was therefore ruled out of order.

Mr. Kelley then read the letter from Mrs. Whiteside also asking for a few minutes to speak to the Board concerning Appeal No. 1489. This request was also ruled to be not in order.

A letter of resignation was then read from Mr. J. W. Houston, Sr.

It was moved by Keep and supported by McComb that a gavel and a letter be sent to Mr. Houston.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

It was moved by Gaus and seconded by McComb that the minutes of November 18, 1965, December 19, 1965, December 15, 1965 and February 10, 1966 be approved.

Motion carried by the following vote:

Yeas: (6)

Nays: None.

Meeting adjourned at 8:35 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, April 14, 1966

The Public Hearing was called to order by Chairman C. Bruce Kelley at 7:35 P.M.

ROLL CALL

Present: Alfaro, Gaus, Houck, Jones. Keep, Kelley, McComb-7.

Absent: Butterfield-1.

No. 1495

An appeal by Ernest R. Clark of 801 N. Pine Street to convert a one-family dwelling to a two-family dwelling on a lot which contains 3,267 square feet, contrary to Section 36-45 (5) of the Zoning Ordinance requiring 4,000 square feet for a two family dwelling.

Mr. Clark was present and stated that there is ample room for this type of dwelling and for parking. He has had no neighborhood objections. He also stated that there were many other lots in that block and in other blocks in the vicinity that had less space than he had.

Mr. Robert Toy of 513 W. Oakland was present and stated that he felt that Mr. Clark should be able to have two families on this lot because there were many others in the neighborhood with much less space.

Mr. Leo Farhat stated that he owns property directly across the street from Mr. Toy and the Board of Appeals granted him an appeal three or four years ago and he had only 3,365 square feet.

Mr. Kelley then asked if it was two family and Mr. Farhat stated that it was.

Mr. Kelley asked Mr. Toy and Mr. Clark to document their statements by giving the Board the addresses of the lots that were two family and did not have sufficient land.

Mr. Clark stated that the properties located at 513, 514, 510, 512, 517 W. Oakland, 810 N. Walnut, 420 W. Grand River, 927 N. Seymour and the corner of Pine and Shiawassee did not have enough square footage for the type of zoning on them.

It was moved by Gaus and supported by Alfaro that the appeal be denied under Section 36-45 (5) of the Zoning Ordinance in that the Ordinance requires a lot of 4,000 sq. ft. for a two family dwelling. The Board believes that the proposed change would constitute an overloading of the land, by increasing the density over the minimum requirements of the zoning code. This is contrary to the intent and purpose of the contrary to the intent and purpose of the zoning code, adopted by the City Council, which requires a minimum lot area of 4,000 sq. ft. for a two family dwelling. No apparent hardship or difficulty exists in continuing the present use on this lot.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

Abstained: (1).

No. 1496

An appeal by John and Joanne Reid of 4038 Pine Dell Drive North, to erect a multiple dwelling which will: 1. Reduce the Cedar Street front yard from 20 ft. 0 in. to 12 ft. 0 in.; 2. Permit parking in required front yards at 5757 S. Cedar Street. These requests are contrary to Sections 36-47 (4) and 36-47 (6) of the Lansing Zoning Ordinance.

Mr. Leo Farhat was present to represent Mr. and Mrs. Reid and stated a brief his-tory of the property and its zoning. Many of the neighbors were present.

Mr. James E. Eddy objected to the confusion of traffic on Kaynorth. It is a very narrow street.

Mrs. Milheisler was present and stated that she is concerned with the children. The children have to walk in the street be-cause there are no sidewalks for them. Many cars come down the road much too

Mrs. Whiteside stated that she objected to the parking in the front yard of the Reid's property. She feels that the rest of the neighborhood should not be crucified just because Mr. Reid did not know about the easement and many other things before he bought the property.

Mrs. Benton, owner of the adjacent property to the north stated that a realtor ap proached her husband last year and asked if they were willing to list their house. They could not find anything else out about the proposed listing and purchase of their home. They were told that their property would be developed with the Reid's property that the country the state that the force is the country to the country that the country the co erty. She also stated that she is very in-terested in the drainage onto their prop-erty. Mrs. Benton added that if this were a reasonable size building she would have no objection.

Mr. Clawson of S. Cedar Street stated that Kaynorth would not bear the traffic that an apartment building would create.

Miss Patricia Whiteside of 5747 Kaynorth asked if it were necessary to have a recreational area along with an apartment building.

Mr. Kelley advised her that it was not re-

quired by city ordinance.

Mrs. Whiteside then advised the Board that there is a petition before City Council with 100% participation by the neighbors for no parking on either side of Kaynorth.

Mr. Kelley asked Mr. Farhat and the owners of property along Kaynorth if they would be willing to sign a petition for a sidewalk. Mr. Farhat stated that his client would agree and Mrs. Whiteside stated that they were not interested in sidewalks at this time.

Mr. Farhat stated in summation that many of the neghborhood complaints were legitimate complaints except that we do not want to accept the responsibiliy for things that are beyond our control. He is very sorry that Mrs. Whiteside feels that she is being crucified. As far as the drainage problems with Mr. and Mrs. Benton, many departments will have to approve the plans for the project if the variance is granted, to determine that the drainage is satisfactory and will not go onto other, people's property. There is a drainage ditch and I am sure that we could tie into that. Mrs. Reid will not petition by herself to have a sidewalk put in for she understands that some of the neighbors are opposed to it but she will go along with the neighbors if they decide that they do want one.

It was moved by Alfaro and supported by Keep that the appeal be granted under Section 36-12 (6) of the Zoning Code which states: "To permit a variation in the yard requirements of any district where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare."

This motion is based on the condition that the existing restaurant building is to be removed, that the property to the north be protected from drainage and that parking area space requirements and all other requirements of the Lansing Zoning Code shall apply.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1498

An appeal by Velma Skinner of 516 W. Saginaw to permit the extension of the "F" Commercial district to include a portion of a recorded lot which is presently located in the "C-2" Family District.

Mrs. Skinner was present and stated that all of these years she thought all of the lots were zoned "F" Commercial. When she had her survey done she found out that Lot 9 was not zoned commercial.

Mr. Harry Frazowski of 522 W. Saginaw Street objected to the size of the building, the size of the lot and the inadequacy of space for parking.

It was moved by Gaus and supported by McComb that the appeal be denied. The requested appeal would adversely affect the adjacent residential properties by allowing an encroachment of a commercial district on a medium density residential district. No apparent hardship or difficulty exists toward the continued use of the property under existing resident benefits. under existing zoning boundary.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

No. 1499

An appeal by LaVern Sprague of 4200 S. Pennsylvania Avenue to erect a multiple dwelling which will reduce the front yard from 20 ft. to 14 ft. which is contrary to Section 36-46 (4) of the Lansing Zoning Code.

Mr. and Mrs. Sprague were present and Mr. Sprague stated that he is anxious to develop the land and to eliminate the drainage problem which now exists on the propertv.

Mr. Kelley asked Mr. Sprague how it would affect the parking if the building were set back.

Mr. Sprague stated that it would be very difficult to park under those conditions.

more accessible off-street parking at the rear of the building.

Motion carried by the following vote:

Yeas: (6).

Nays: (1).

A petition was presented to the Board in protest of the petition by Consumers Power Company to erect a regulator station at 3901 S. Waverly Road. It was moved by Gaus and supported by Keep that the petition be accepted.

Motion carried unanimously.

It was moved by Keep and supported by McComb that the appeal be granted. It It was moved by Gaus and supported by Keep that the minutes of March 10, 1966 be approved.

Motion carried by the following vote:

Yeas: (7).

Nays: None.

Meeting adjourned at 10:00 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE POLICE AND FIRE BOARD OF THE CITY OF LANSING

Proceedings, May 10, 1966

The Police and Fire Board met in regular session, and was called to order by Chairman Charles E. Forsythe.

ROLL CALL

Present: Commissioners Jamieson, Johnson, Anderton, Maloney, Forsythe, Dunn, Schmidt, Munyon—8.

The minutes of the previous session were approved as printed.

COMMUNICATIONS

City Personnel Director D. J. Bodwin submitted the following letter from Dr. Robert C. June, City Physician, regarding the City's ambulance policy:

February 9, 1966

Mr. Daniel J. Bodwin, Personnel Director

City of Lansing, Michigan

Dear Mr. Bodwin:

In pursuant to our telephone conversation today, this is to reaffirm the statement of need for reconsideration of the Lansing Police and Fire Board policy for handling of all accident cases by the Fire Department ambulance. The present policy is that any accident case be taken to the closest hospital. It is my responsibility to care for injured firemen, policemen and city employees. If these people are taken to the Lansing General Hospital, I will not be called and will be unable to care for them. This applies also to the Board of Water and Light, although I am not their sole physician.

If this is the Board's desire, I have no objections. If, however, they want me and my office to have the primary responsibility of the care, then these cases will have to be taken to one of the three medical hospitals in the community. Please advise me on your policy in this matter.

Sincerely,

ROBERT C. JUNE, M.D.

By Commissioner Schmidt-

I move the resolution adopted by this Board January 11, 1966 be amended to read:

"That on all ambulance calls the patient be taken to the nearest available hospital if feasible."

Supported by Commissioner Johnson.

After some discussion on the proposed amendment to the resolution, Chairman Forsythe requested a raised hand vote:

No: Trustees Dunn and Rainwater.

Failed-5 votes needed for passage.

It was moved by Trustee Graves, supported by Trustee Butler that the system invest \$250,000 in Fidelity Trend.

Yes: Trustees Butler, DeCair and Graves.

No: Trustees Dunn and Rainwater.

Failed-5 votes needed for passage.

After long discussion, it was moved by Trustee Graves, suported by Trustee Rainwater that the Secretary purchase with funds on hand, U. S. Treasury Bills yielding the best interest. This will be for a one year period.

Carried by a unanimous roll call vote.

The Board adjourned.

RAYMOND W. BURGESS, Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, June 23, 1966

Thursday, June 23, 1966 Court Room No. 1

7:30 P.M.

Meeting called to order at 7:37 P.M. by past Chairman Howard Jones.

ROLL CALL

Present were: Alfaro, Butterfield, Gaus, Houck, Jones, Keep and McComb-7.

Absent: Kelley-1.

No. 1503

Mr. Keith Otis apeared in behalf of the appeal to allow one employee who is not a member of the family and also permit 50% of the basement floor area to be used as a home occupation upon premises known as 2136 Luwanna. This is contrary to Section 36-1-(24) of the Zoning Ordinance in the following particulars: The ordinance requires that (1) a home occupation be carried on by a member of the family residing on the premises and that (2) not over 25% of the total floor area of any story be used for a home occupation.

Mr. Otis stated that in the last two years business has grown to the point where he needs an office. He had taken an option on a piece of property on Cavanaugh Road, but the rezoning was not granted. He is now in the process of hunting for other

office space, either to build or to buy something for his needs. It is hard to rent anything suitable for a small office.

Mr. Jones asked the type of business. Mr. Otis informed him that he has the National Introductions and Royal Welcome Service. It has grown in the past 5 to 6 months. He would like to buy or put up something quickly. All sales are based on commission. The sales people are present 20 to 30 mins. The secretary works 4 days a week.

Mr. McComb asked the primary function of the business, and was advised that it basically amounts to representing various merchants in the city calling on newcomers and on people who make a change in the city. The hostesses came in Monday mornings for $^{3}_{4}$ hrs.

Mr. McComb asked if there were gifts involved and Mr. Otis stated that the merchants pay him to distribute their products.

Mr. Alfaro asked that, inasmuch as he was looking for property, would he be able to move within a certain time from this property. Mr. Otis informed the Board that he is getting architectural drawings on the rezoning and if it is turned down now, he is in the process of looking at property near Holt.

Mr. McComb then asked if he would be moving regardless and Mr. Otis replied yes, within a year.

Mr. Butterfield asked how many feet of the basement are being used in the operation, and Mr. Otis stated that over half of the basement is being used now. It could be condensed—it would be about 900 sq. ft. right now.

Mr. Butterfield then asked if he had contacted any business men for spare room. Mr. Otis remarked that any business move makes his business unstable. He would prefer to put up a building, and eliminate any other moves.

Mrs. Houck asked how long he had been using 50% and Mr. Otis replied that since he moved in it has spread out, but actually it could be condensed to 25 or 30 per cent of the basement.

Mr. McComb asked if he could use the whole basement. Mr. Otis stated that a neighbor had complained about this and it was the city's action that forced him to ask for the appeal.

Mr. Robert Robinson who is a next door neighbor to the East, stated that they have no complaint. They use a joint driveway and there is no problem. He has no complaint whatsoever.

Mr. Otis then volunteered that the neighbor directly across the street is on vacation but had written a letter which he presented to the Board. He further mentioned that others in the neighborhood had no complaints.

Mr. Butterfield asked how many times a week do you have materials coming in. Mr. Otis claimed he picked up the merchandise.

Mr. McComb asked about soft drink trucks and was advised that a truck stops every two or three weeks. Mr. McComb then asked if there was anyone else and was advised that the postal service stops about once a month.

No one appeared in protest of this appeal.

Motion by Keep, supported by Alfaro that the appeal be granted.

Mr. Butterfield stated that there didn't seem to be any hardship involved.

Mrs. Houck commented that if this appeal were granted every hair dresser would be in.

Mr. Butterfield then added that he felt we would have to control these.

Mr. Keep mentioned the appelant could build a building with other rental properties and could operate it properly on other property.

Mr. Butterfield remarked that the appelant contacts the businesses for merchandise and couldn't see where the office location would make any difference.

Mr. Keep stated that he would have to

lay the girl off and reduce the space to 25 per cent.

Further discussion followed.

Motion failed by the following vote:

Yeas: (3).

Nays: (4).

The required number of six votes are needed to reverse any order, requirement, decision or determination of the Building Commissioner.

In the determination of this appeal, the Board considered the following:

Section 36-12 (7) of the Lansing Zoning Code, and the Board believes that the limitations that apply to the home occupation are reasonable and any variation to decrease these controls would in effect be rezoning and it is not within the jurisdiction of the Appeals Board.

The Board could find no evidence in the testimony that a hardship, sufficient to grant a variance existed.

No. 1509

Mr. Bud Brown, of Granger Construction Company representing Robert Townsend, appeared in behalf of the appeal to erect a food market which will reduce the required front yard on two streets, Hunt Street and Paulson Street on premises known as 3008 N. East. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars. Section 36-50 (4) requires a front yard setback of 20 ft. 0 in.

Mrs. Houck asked if there would be loading docks on both sides, and was advised that there would not be. Mr. Brown explained that plans had been submitted showing the location on the property. The previous zoning on this is why this is necessary and so there would be the additional parking area.

Further discussion followed.

No one appeared in favor or opposed to this appeal.

Motion by Butterfield seconded by Alfaro that the appeal be granted.

Mr. Butterfield advised that three to five parking spaces mean a lot to a super market. It is all zoned industrial in this area, and this will be a vast improvement to the area that has so many warehouses.

Motion by McComb, seconded by Gaus that the appeal be tabled until the Zoning is decided.

Motion carried by a majority vote. Mrs. Houck abstained.

No. 1510

Mrs. Marian A, Mulvaney appeared in behalf of the appeal to enclose open front porch which will extend beyond the established setback line but not beyond the existing open porch. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Ordinance does not allow building ahead of the established setback line.

Mrs. Mulvaney stated that she wants to install combination windows. There will be no difference as far as the structure or the use is concerned. The porch is already enclosed with screens.

Mr. Jones asked if she might want to use this for an extra room, and Mrs. Mulvaney advised that she will not, as it won't be heated.

No one apeared in favor or opposed to this appeal.

Motion by McComb, seconded by Alfaro that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code. The Board found that integrated construction of the porch in question and the conformity with adjacent structures was sufficient reason to grant a variance, and the variance would not adversely affect the comprehensive plan or the surrounding property.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1511

Mr. Armond Sprague appeared in behalf of the appeal to erect a private garage which will reduce the front yard setback from 18 ft. 0 in. as established to 3 ft. 10 in. on Grant Street on premises known as 573 Hamilton Ave. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) prohibits building beyond an established building line.

Mr. Sprague reported to the board that it is difficult to describe this piece of property because of the incline on Grant. The property immediately north, the basement wall of that house is 16 ft. 8 in. higher than his ground level. His lot is reasonably level. To get access to his lot he must drive in on Grant almost at the corner of Hamilton.

Mr. McComb asked if there were curb and gutter and was informed that there is none. Mr. McCumb then asked if there were any indication that it would be built along here. Mr. Sprague stated that he built here 15 years ago and has received no information on curb and gutter as yet.

Further discussion involved the elevations of the properties in this area.

No one from the audience appeared in favor of, or in protest of this appeal.

Motion by McComb that the appeal be denied. There was no support.

Motion by Butterfield, seconded by Alfaro that the appeal be granted.

Mr. McComb stated that he was against this as he had checked the general area.

Mr. Fountain advised that there will be no clear vision on backing.

Mrs. Houck asked if the garage would be facing south.

Mr. Gaus added that it was an irregular lot.

Mr. Fountain stated that it could be put in the back yard.

Further comments were made on the location and whether or not there were any objections from the neighbors.

Motion carried by the following vote:

Yeas: 6.

Nays: 1.

No. 1512

Mr. A. L. Ehinger appeared in behalf of the apeal to erect an apartment building which will reduce the rear yard from 25 0 in. to 10 ft. 0 in. and a portion of the front yard from 20 ft. 0 in. to 17 ft. 0 in. upon the premises known as 1730 Wellington Avenue. This is contrary to section 36-46 (2) and 36-46 (4) of the Zoning Ordinance in the following particulars:

Section 36-46 (2) requires a 25 ft. 0 in. rear yard and Section 36-46 (4) requires a 20 ft. 0 in. front yard.

Mr. Ehinger stated that they proposed an apartment building on the site. His plans were explained to the board.

Mr. D. E. Drennan, 1727 Wellington Rd.; Mr. D. W. Leyrer, 1735 Wellington Road, Mr. Richard Abood, attorney representing Judge Coash and Dr. Spagnuola; Mr. Harry Guyselman, 1700 Wellington and Mr. David Miller from Schultz Homes all appeared as interested parties in this appeal.

Mr. Drennen asked how many cars. He expressed his concern about the air conditioners and was informed that they would be all centrally controlled. Blue prints of the elevation were presented.

Further discussion about setbacks—if it would affect the view of the golf course and easements in the area was held.

A show of hands was asked for and seven people indicated that they were against this appeal being granted.

Mr. Abood stated that the abstract has restrictions of record on Lots 9 through 26. He stated that Wellington Arms has parking in front and now another building coming in. The property owners have asked that parking be eliminated. He urged the board to deny the petition.

Mr. Ehinger stated that their idea in 1950 was that this part of the subdivision overlooking the rough part of the course, where dirt is dumped, water lies and there is no maintainence would be used for multiple. They will fill this in so that the water will run off into a catch basin. Their design will put 42 cars out of sight and they will try to design an architectural building that will fit into the neighborhood. They don't want to do anything that is harmful. They will maintain a setback from the highway leaving a lot of green space which will be landscaped.

Mr. Miller asked what are the alternatives, and what are they licensed under the code.

Mr. Ehinger, replied that if the appeal is denied they would have to design a smaller building and use outside parking and it was felt this would not be as attractive.

Mr. Miller then asked some further questions on the parking situation.

Mr. Drennen asked the number of apartments and was advised not more than 32. He then had some further questions about the parking.

Mr. Ehinger stated there would be room for about 40 cars out of sight.

Mr. Fountain, Planner, gave an explanation of the parking allowed as per the information obtained from the Building Inspector.

Motion by Gaus, seconded by Keep that the appeal be denied. The Board acting under Section 36-12 (6) of the Zoning Code found that the lot, although slightly irregular in shape was sufficient in area to accommodate a structure that would allow reasonable use of the land without the necessity of granting a variance.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

Meeting adjourned at 9:25 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, May 12, 1966

The public hearing was called to order by Chairman C. Bruce Kelley at 7:40 P.M.

ROLL CALL

Present: Alfaro, Butterfield, Gaus, Houck, Keep, Kelley, McComb-7.

Absent: Jones-1.

No. 1500

An appeal by S. McAvoy of 622 N. Foster to enclose an existing open porch with windows. This enclosure will project 1 ft. 9 in. beyond the established building line. This is contrary to Section 36-44 (4) of the Zoning Code, which prohibits extending beyond the established building line setback.

There were no interested parties present.

It was moved by Gaus and supported by Houck that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code. The Board found that this variance will not seriously affect the adjoining property or the general welfare. Many of the open front porches in the area have been enclosed and they become an integral part of the structures. The variance requested (1 ft. 9 in.) is not considered excessive and would not have a detrimental affect on surrounding property.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1501

An appeal by the Builders and Trader's Exchange of 1138 E. Saginaw to erect a professional office building which will reduce the required front yard set-back from 20 ft. 0 in. to 10 ft. 0 in. This request is contrary to Section 36-47 (4) of the Zoning Ordinance.

Mr. J. Hopkins, secretary of the Builders and Trader's Exchange was present. The reason they are moving is that they are selling their present location at 521 N. Washington to the Community College. They are planning on building a smaller building. They looked at 49 sites in the Lansing Area and selected this site basically because it is professionally zoned. With the parking situation as it is, they need as much parking as they can get on a piece of property. They need at least 18,000 sq. ft. and this was about the only site that they could find within a radius of a mile from the downtown area. Mr. Hopkins felt that this building would certainly upgrade this area. They have turned the building around so that the entrance will be on the west side so they can add six more parking spaces.

Mr. Kelley asked if this parking was for employees.

Mr. Hopkins stated that it was for 8 tenants, which we are allowing 15 parking spaces, and all these are one man operations,

Mr. Leo Martin of 935 Southlawn, East Lansing, owner of property adjoining this property, 1134, 1128, 1116, and 1106 E. Saginaw St. was present and spoke in favor of this appeal. He stated that from all viewpoints in his experience in owning an office in East Lansing on E. Grand River, that it is impossible to keep grass growing in a front yard. It is not a very attractive situation. The chloride in the winter kills out the grass. He felt that it would be better to bring the building right up to the right-of-way line. Gravel, shale or chipped stone could be put in the fron; and you could plant shrubs in this but as fair as having a lawn that is to look decent in front of buildings, grass will not work.

Mr. Phillip G. Coleman of 1137 Orchard St. directly behind this property, was present and spoke in favor of this appeal. He felt that any building that is maintained in any way is much superior to the vacant lot and weed patch that is existing there. Realizing the need for parking he also would be in favor of allowing this 10 ft. rather than the 20 ft. setback.

A plan of the building was shown to the Board to all interested people in attendance.

It was moved by Butterfield and supported by McComb that the appeal be granted. This motion is based on the finding of the Board that the reduction of the front yard would provide more accessible parking at the rear of the structure without seriously affecting the adjacent properties or the general welfare.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

1503

An Appeal by Keith Otis to allow one employee who is not a member of the family and also permit 50% of the basement floor area to be used as a home occupation. This is contrary to Section 36-1 (24) of the Zoning Ordinance which requires that (1) A home occupation be carried on by a member of the family residing on the premises and that (2), not over 25% of the total floor area of any story be used for a home occupation.

A letter by Mr. Otis asking for postponement until June 9, 1966 was accepted by the Board and placed on file.

It was moved and seconded that the matter be tabled. Adopted unanimously.

No. 1504

An appeal by Libertad Vazquez, 1418 Ohio St. to erect an addition to a one family dwelling which will reduce the south side yard from 4.95 ft. to 3 ft. 0 in. This is contrary to Section 36-44 (3) which states there shall be a side yard on each side of a building having a width of not less than 10% in a "B" residential district.

Mr. Vazquez was present but did not wish to make any further statements.

One neighbor directly across the street stated that he had no objections. No name was given.

Mr. Kelley asked Mr. Vazquez if there were any expression of objections by the neighbors.

Mr. Vazquez stated that there had been none.

It was moved by Gaus and supported by McComb that the appeal be granted under Section 36-12 (7) of the Zoning Code. Construction to comply with the Building Inspector's standards. The granting of this variance to three foot will not unduly affect the adjacent property or the general welfare. The Board found that a hardship has been created and that this will grant a partial relief.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1505

An appeal by Munson, Hattern and Barber to erect an office building which will be located 13 ft. 0 in. beyond the established building line setback from 43 ft. to 30 ft. on the Mt. Hope Avenue frontage. This is contrary to Section 36-47.1 (4) of the Zoning Ordinance in the following particulars: Section 36-47 (1) (4) prohibits a structure from projecting beyond the established front yard line.

Mr. Munson was present and stated that the total setbacks amounted to about 50% of the property. We plan to build our new building to the west of the present structure and then remove the old building and landscape the property.

Mr. McComb inquired about the details of the Mt. Hope widening. Discussion followed. The secretary stated that the widening of Mt. Hope had been recommended to the Mayor and the City Council in the Capital Improvements Program.

Mr. Munson stated that at the present time there is a high bluff on the corner, which makes it impossible to see around the corner from a car, and our program would reduce the height of that mound so that the visibility would be better.

Mr. Kelley asked the foundation measurements.

Mr. Munson did not know exactly but stated that the entire building was to be approximately $4,000~{
m sq.}$ ft.

Mr. Munson pointed out that all of the trees would be saved except one.

Mr. Kelley showed Mr. Munson a letter from Councilman Frank W. Perrin.

It was moved by Houck and supported by Keep that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance. The Board found that this request is in keeping with the general intent of the Code and the variation will not seriously affect any adjoining property or the general welfare. The unusually large set-back does create a practical difficulty in redeveloping the land under the existing zoning, in that it reduces the off-street parking. The appellant is to submit a screening plan for the approval of the Board before the occupancy permit is approved.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1506

An appeal by Anthony Nosal of 2200 W. Holmes Rd. to erect a new serivce station which will reduce the north side yard from 9 ft. 0 in. to 2 ft. 0 in. This is contrary

to Section 36-49 (3) of the Lansing Zoning Ordinance which requires a side yard of 10% of the lot width. This lot is 90 ft. wide.

Mr. Nosal was present and stated that there is no use in making a long discussion on this. This has been a heartache for six years. I am trying to build a building back so that it is not too close to the corner for clear vision. I would urge this Board to consider this appeal wholeheartedly. I am interested in making it a good looking corner for a better tax base for the City of Lansing. I would like immediate action because I have a lease going with the Marathon Company. I appreciate the fact that I am being allowed to speak here and have a vote tonight.

There were no other interested parties present.

It was moved by Gaus and supported by Butterfield that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Ordinance. The Board found that a practical difficulty exists in this situation because of the zoning district lines. The proposed development will improve the situation at this major intersection, by providing more than the required front yard setback from both major streets and found it would increase the visibility for traffic flow. The Board found that this variation will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1507

An appeal by Hugh V. Grant of 2000 Tulane St. to erect a one family dwelling on a corner lot of which the required rear yard will be parallel with the street with the most frontage, rather than parallel with the frontage with the least dimension. This is contrary to Section 36-1 (46) which states: On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

Mr. Guernsey stated that there is an ordinance revision before City Council which allows the owner of the property to decide for himself which yard he will call his front yard.

Mr. Grant stated that it would put the property to its highest tax value and is in keeping with other houses in the area. It would sit more evenly with the other houses. He also has a letter from the owner of the lot adjoining this lot stating that he has no objections to the granting of the request made by Mr. Grant on the property known as Lot No. 8 of Bancroft Subdivision (2000 Tulane).

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Mr. Kelley asked if this was the house to the north or to the south of them.

Mr. Gran stated that this was the lot to the south.

It was moved by Houck and supported by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code. Construction to comply with the Building Inspector's standards. This request will allow the petitioner to orient the proposed dwelling to Tulane Drive rather than Northampton Way. No waivers are needed for any of the lot lines and a very adequate yard area is allowed. The facing of the building to Northampton Way would allow only the minimum side yards. The Board found that a better placement of this dwelling on the lot would be made and the development would not have a detrimental affect on the surrounding development.

Motion carried by the following vote:

Yeas: (7)

Nays: None.

No. 1508

An appeal by Robin E. Darrow of 1221 N. Briarfield Drive to erect a two car private garage which would reduce the west side yard from 10 ft. 0 in. to 2 ft. 8 in. This is contrary to Section 36-44 (3) which requires a side yard amounting to 10% of the width of the lot.

Mr. Darrow was present and read a letter which had previously been presented to the Board stating why his appeal should be granted, his needs and his hardships. He also read a letter from Councilman Horace J. Bradshaw addressed to the Planning Department Staff asking for reconsideration of Mr. R. Darrow's appeal at the next regular meeting of the Board of Appeals.

Mrs. Houck asked how Mr. Darrow was going to get in the garage turning to the left.

Mr. Darrow stated that he had presented some pictures to the staff which would show how it would be.

Discussion followed.

It was moved by Alfaro and supported by Keep that the appeal be granted. The Board found that a hardship did exist. The location and shape of the lot presents a hardship in the placement of a garage. The motion is for the yard reduction to 2 ft. 8 in.

Motion carried by the following vote:

Yeas: (6)

Nays: (1)

The motion was made by McComb, and supported by Alfaro, that a resolution be forwarded from the Board to the Building Inspector concerning front yard parking and the enforcement of such regulations against such parking.

The resolution to read as follows:

"That the Building Inspector enforce that section of the Ordinance to prohibit parking in the front yard."

The motion carried unanimously.

Mr. Kelley asked that the minutes of April 14, 1966 be corrected on page No. 4, to read:

"A petition was presented to the Board in protest of the petition by Consumer's Power Company to erect a regulator station at 3901 S. Waverly Rd.

It was moved by Gaus and supported by Keep that the petition be placed on file."

Motion carried by the following vote:

Yeas: (7)

Nays: None.

Meeting adjourned at 9:30 P.M.

RAYMOND C. GUERNSEY, Secretary.

M/C

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, July 14, 1966

Meeting was called to order at 7:35 by Chairman C. Bruce Kelley.

ROLL CALL

Present were: Butterfield, Gaus, Houck, Jones, Kelley, McComb and Keep-7.

Absent: Alfaro-1.

Mr. Keep came in at 7:36 P.M.

ELECTION OF OFFICERS

The floor was opened for nominations for Chairman.

Motion by McComb, seconded by Kelley that Keep be nominated for Chairman.

Motion by Gaus, seconded by Jones that the nominations be closed that an unanimous ballot be cast for Mr. Keep.

Motion carried by unanimous vote.

The floor was then opened for nominations for Vice Chairman.

Motion by Jones, seconded by Gaus that McComb be nominated for Vice Chairman.

Motion by Jones, seconded by Keep that the nominations be closed and that an unanimous ballot be cast for Mr. McComb.

Motion carried by unanimous vote.

HEARINGS

No. 1509

No one appeared in behalf of the appeal to erect a food market which will reduce the required front yard on two streets, Hunt Street and Paulson Street, upon the premises known as 3008 N. East Street from 20 ft. 0 in. to 15 ft. 0 in. This is contrary to the Zoning Ordinance in the following particulars: Section 36-50-(4) requires a front yard setback of 20 ft. 0 in.

Motion by McComb, seconded by Kelley that the appeal be taken from the table.

Motion carried by unanimous vote.

Mr. Fountain, reported to the Board the actions taken by the Planning Board on July 5th.

Motion by Jones, seconded by McComb that the variance from 20 to 15 ft. on the North side of the property along Paulson St. be denied and that the request to reduce the required front yard on Hunt St. from 20 to 15 ft. be granted under 36-12 (7) of the Zoning Ordinance. This would be in concurrence with the Planning Board recommendation dated July 5, 1966.

The Board found that the residential character of the area to the North along Paulson St. would be adversely affected by the proposed variance on the north side of the property.

The property to the east is zoned and developed in light industrial uses. The Board believes that a reduction of 5 ft. along Hunt St. would not have any adverse affect on the property to the east.

No. 1513

Mr. J. A. Hamilton appeared in behalf of the appeal to enclose an existing front porch to a point beyond the established setback line but not beyond the existing open porch upon the premises known as 130 Woodlawn Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-45 (4) prohibits extending beyond the established building line.

Mr. Hamilton stated that he not wish to add anything to this appeal.

No one appeared in opposition to this appeal.

Motion by Jones, seconded by Gaus that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code. The Board finds that this variance will not seriously affect the adjoining property or the general welfare. Field inspection of the area reveals that many of the dwellings have the large front porches, some of which have been enclosed and become an integral part of the structure. The Board found that due to the past development, property owners wishing to enclose front porches are confronted with an unusual practical difficulty. The area is in a state of transition and any new refacing to the existing development would be an improvement.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1514

Mr. W. Morden Smith, representing Consumers Power Co. appeared in behalf of the appeal to erect a regulator station upon the premises known as 3800 Blk. W. Holmes Road. This is contrary to Section 36-17 of the Zoning Ordinance in the following particulars: This property is zoned "A" one family residence area which does not permit this type of use.

Mr. Smith advised that customers in 1965-66 had no heat because of low gas pressure and there is need for a regulator in this area.

Dr. Clinton Canady, Jr., 3808 W. Holmes Rd. appeared in objection to this as he felt this is not the proper facility to be located in this area.

The Chairman asked if the people in the audience would like to see the plans and Dr. Canady stated that they had seen them. He further added that the facility would not look as nice as it looks on paper. He had no difficulty with gas pressure last year, but maybe someone else did.

Mr. Russell Savage of 3835 W. Holmes stated that he lived next to where the regulator would be built and expressed his concern about gas fumes.

Mr. Kelley asked if he were East of this station, and was informed that he was West of the proposed station. Mr. Kelley then asked how far he was from the site and Mr. Savage stated that there is a vacant lot next to him.

Mr. Smith gave an explanation for the need of the station in this area. This is not the preferred location. They preferred property which is deed restricted so that the regulator cannot be placed there. This happens to be the only open space available to them.

Mr. Stuart J. Dunnings, apologized to the Board for being late and then advised that he is representing Dr. Canady.

Mr. Kelley told of the provision of the code to permit a variance for the building for utility purposes.

Mr. Dunnings then asked the type of zoning that this type of building would need without this appeal.

The Secretary related that the placement must be reviewed and a hearing held before the permission would be granted. The Appeal Board does have the authority to grant or deny this appeal subject to certain conditions being carried out.

Mr. Dunnings queried are their certain areas that this type of structure could be built without the appeal and was informed that this could be placed in a commercial or industrial area with consideration of the Board.

Further discussion was held.

Motion by Butterfield, seconded by Gaus that the appeal be denied. The Board found that the type use and structure proposed would not be in harmony with the existing development in the area (single family residential). The Board further requested, that the staff work with the developer to locate other sites in the area that would be more compatible to the proposed use.

No. 1515

Mr. Gerald G. Gleason appeared in behalf of the appeal to erect a family room addition which will reduce the front yard setback on Rockway Drive from 25 ft. 0 in. to 17 ft. 0 in. upon the premises known as 2926 Boston Blvd. This is contrary to the Zoning Ordinance in the following particular: Section 36-44 (4) requires a 25 ft. 0 in. setback from both streets on a corner lot.

Mr. Gleason stated that he had an exceptional lot and would like an encroachment on the setback because of the corner lot. It would be a nice structure,

Mr. Kelley asked if the drive were on Rockway and was informed that it is.

Mrs. Houck asked if the other end of the house, contained a bedroom area, and was informed that it has.

Mr. Robert J. Hoffer, 2920 Boston Blvd., stated he is a neighbor and did not object the addition. It would enhance the home and would help Mr. Gleason. He is in favor. He lives right next door to the north.

Mr. Kelley asked who lives directly in back and was advised no one.

Some discussion followed.

No one appeared from the audience objecting to this appeal.

Mr. McComb asked if the family room were on the other side would Mr. Huffer still be in favor of it, and Mrs. Huffer, stated yes, but it could not be put there.

Motion by Kelley, seconded by Butterfield that the appeal be denied under Section 36-12 (6) and (7).

The Board found that the ordinance requirements are reasonable and the proposed variance would allow over development of the property and establish a precedent throughout the area.

Mrs. Houck asked how else can he build it?

Mr. Butterfield remarked that there is plenty of back yard.

Mr. McComb recalled for the Board, that not too long ago they granted a garage up to the sidewalk and if they deny this man a family room, how can it be justified?

Mr. Gaus stated that in this case, it was the only sidewalk in the neighborhood.

Mr. Butterfield added that this is a new development and there are nice homes under construction behind.

Mr. Jones stated that this would establish a precedent.

Mrs. Houck stated that it is a messy place for the amount of land used.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1516

Mr. Charles H. Smith appeared in behalf of the appeal to enclose existing front porch, which will extend beyond the established setbcak line but not beyond the existing porch line, upon the premises known as 1403 W. Main St. This is contrary to the Zoning Ordinance in the following particulars: Section 36-44 (4) prohibits projecting beyond the established setback.

Mr. Smith stated that the porches at 1423 and 1425 are also enclosed, and his doesn't extend beyond theirs. The houses are close, his will be exactly the same as theirs.

Motion by Kelley, seconded by Jones that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code.

The Board found that the granting of this variance will not seriously affect the adjoining property or the general welfare and is within keeping of a comprehensive plan.

The Board finds that due to the past development in the vicinity property owners wishing to enclose front porches, or make other alternations toward the front yard,

are confronted with an unusual practical difficulty.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1518

Mr. Thomas Skeehan, Attorney and Mr. Donald L. Deeb appeared in behalf of the appeal to erect an addition to a commercial building which will reduce the front yard setback from 20 ft, 0 in, to 0 ft, 0 in. on Verlinden Avenue upon the premises known as 400 Verlinden Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-50 (4) requires a 20 ft, 0 in, front yard setback.

Mr. Skeehan stated that he was representing Mr. Deeb who had owned this property for some 30 years (since 1936) which was operated as a cafe until 4 or 5 years ago. They are asking that the setback be reduced so that an addition can be flush with the adjacent restaurant. There is a common wall on 9 in. of Deeb property and 7 in. on the other property which runs 20 ft. to the west of front of Deeb's cafe. He wants to extend 20 ft. to even the front. He doesn't want to knock out the wall. This property is across the street from The Fisher Body Plant and only three blocks from Sexton High School. Being vacant the past 5 or 6 years, he has to pay high insurance and taxes. He feels that the adjoining property blocks him out. His building looks like an annex. This will improve the looks of his property and will increase his business. He intends to put money into it. They have expressed a desire at the plant that they would desire this cafe here. This addition will not cause any particular detriment to the other property. It now creates a tremendous burden.

Mrs. Houck asked about parking and was advised that there is not very much in the back, however there is parking across the street. Most of the people eating here are from Fisher Body and have ½ to ¾ hours for lunch. They further added that they haven't been able to get parking from the city. Mr. Deeb stated that his petitions have been denied.

Mr. Deeb then advised of problems he is having about the insurance. He is unable to rent or lease without the parking and his only alternative is to fix it up and run it himself. He cannot leave it idle. He doesn't like the looks the way it is. He further mentioned the misuse of this vacant property and building.

Mr. McComb asked how much do you figure it would cost to remodel and, Mr. Deeb told in detail of the improvements needed and then stated that the estimates ran from \$12,000 to \$15,000.

Mr. Karel F. Taborsky, 1805 S. Genesee Drive stated the property as it sits now is never taken care of. The parking wasn't wanted. Fisher Body has 5,000 spots. The place next door is a tavern. The property owners are transient type of people who do not take care of the property. Back porch is rotted off. Large amount of water in the basement. The tavern was there first. It might take \$20,000 to \$30,000 to fix it up. He does have three lots behind.

Mr. Deeb then reiterated that the city has turned him down for parking four different times.

A lady who stated she lived on Genesee Drive advised that this was before the Planning last year. There are three lots he was asked if he would accept a definite zoning. The neighbors were willing to let him have the necessary parking. She does not want the parking in her back yard. He has made no effort to take care of the weeds that are above her head and she is 5 ft. 6 inches.

Mr. Maurice L. Lewallen of 1812 S. Genesee Drive asked if this will be a type of restaurant?

Mr. Gerald Graves, 1704 W. Shiawassee, asked if the certificate of survey shows the common wall. He asked how many of the Board had visited the property? He has personally ushered children off the property. Water is about a foot deep in the basement. He questioned if there were sewers in the building.

Mr. Deeb advised that the back door was nailed shut and the windows were screened. When the canopy dropped it was left to keep the cars away. Sewer is higher than basement. They have inquired with the building inspector. They want to redig the basement and replace the sewer. He had a pump but the water overcame the pump. The water is being pumped out Saturday. The weeds were cut once this year.

Mrs. Taborsky stated that her husband is a teacher at Sexton High School and the school does not want the students in the restaurant. They have adequate facilities in the school. Teachers patrol at noon and bring these children back to the school.

Mrs. Thomas Curry, 1809 S. Genesee Drive stated that her property backs up to the Deeb property. She has opposed the parking. She was assured when she purchased her property that the area was residential. Neighbors are against building. The alley divides his property from the subdivision and they want to keep these lots residential. Several people are interested in buying them for residential.

The Bartender then stated that there is water in the basement three or 4 months, it comes into the other building and ruins motors. The owner does not keep the building up.

A Mr. Haskand, cousin of the appealent, stated that these people are all objecting to what Mr. Deeb wants to correct. His improvements will make it a practically new building.

Mr. Kelley reminded the audience that the Board's position is to consider a variance on a setback.

Mr. Kelley stated that he believed the walk was straight now.

Motion by Gaus, seconded by McComb that the appeal be denied under Section 36-12 (7) of the Zoning Code. The Board does not find that a hardship exists in this case and would merely serve as a convenience to the applicant.

The Board found that if the request were granted it would:

Reduce the visibility to the north for motorists moving west on Shiawassee St. on to Verlinden Ave.

Allow the expansion of a commercial use that does not have adequate off-street parking.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1519

No one appeared for the Board of Education in behalf of the appeal to erect a Building to be used for library as an accessory to the school upon the premises known as 1030 S. Holmes St. This is contrary to the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard setback of 20 ft. 0 in.

A letter had been received from Mr. Jacob Wallmaki objecting to this appeal. Mrs. Wallmaki was in the audience with Mr. and Mrs. Gilbert Bowlin of 1025 S. Holmes St. and asked the location of the building. Mrs. Wallmaki withdrew their objections.

Motion by Houck, seconded by Gaus that the appeal be granted under Section 36-12 (7) of the Zoning Ordinance. The layout of the parking, game fields, paved play area, drive, etc. control the limited space available for additional building. The nearest house on the same side of the street is approximately 193 ft. from the library unit.

It was found that the building, in the location desired, will not have any ill effect upon the character of the neighborhood, traffic conditions, public utility facilities, or other matters pertaining to the general welfare.

Motion by Houck, seconded by Gaus that an amendment be made that in view of the past Master Plan recommendations that the secretary should inform the school board that they should increase the area by acquiring additional property to avoid overuse.

Motion by Kelley, seconded by Jones that the minutes of May 12 and June 23, 1966 be approved.

Mr. Houck asked that the minutes of June 23rd be amended on Page 3. Appeal No. 1509 the second paragraph to read as follows:

Mrs. Houck asked why would you have to have trucks driving on two sides, couldn't you have a loading dock on one side only?

Mr. Brown: No loading dock, it's on two sides, a super market is laid out such you'll have meats on one side and your cooler for the produce and groceries will be on the other side.

Motion carried by unanimous vote.

Mr. McComb questioned the enforcement of front yard parking. Some discussion followed.

A letter under the signature of the new Chairman is to be submitted to City Council.

Meeting adjourned at 9:55 A.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE POLICE AND FIRE BOARD OF THE CITY OF LANSING

Proceedings, August 9, 1966

The Police and Fire Board met in regular session, and was called to order by the Chairman Donald F. Johnson.

ROLL CALL

Present: Commissioners Kelly, Johnson, Anderton, Maloney, Forsythe, Dunn, Schmidt, and Munyon—8.

Absent: None.

The minutes of the previous meeting were approved as printed, with the exception that the title of the proceedings be changed from "The Official Proceedings of the Policemen's and Firemen's Retirement System to read: Official Proceedings of the Police and Fire Board of the City of Lansing."

COMMUNICATIONS

Request was received from Mr. James Holcomb, Director of the Office of Civil Defense that permission be given the Office of Civil Defense to utilize the basement of No. 4 Fire Station for office purposes.

The motion was made by Comm. Munyon that this request be granted, provided that

it would not entail any expense to either the Police or Fire Departments.

Supported by Comm. Forsythe.

Carried.

From the City Council Meeting of August 1, 1966; advising the Board their request for boundary changes in which personnel of the Police and Fire Dept. may reside was denied.

Received and placed on file.

From Chief Chas. Stragier, a request that personnel of the Police Department who were required to work over-time during the recent Municipal Employees strike be financially compensated.

Comm. Anderton: I so move that they be paid, and that a letter be forwarded to the City Council with this recommendation.

Supported by Comm. Forsythe.

Carried.

would be a matter of financial concern if done at City expense.

Carried.

Mr. Kipke, Superintendent of Recreation, announced that Mr. William Rhodes will replace Mr. James Salmon as Program Supervisor, thus leaving a Program Leader position open.

The Capitol Improvement six year program was discussed, revised and ordered

to be submitted to the Planning Board and the Mayor's Committee on Capitol Improvements.

Meeting adjourned.

Respectfully submitted,

JANE RUST, Secretary.

APPROVED BY:

CHARLES G. HAYDEN, Director, Parks and Recreation.

OFFICIAL PROCEEDINGS OF THE THE BOARD OF APPEALS OF THE CITY OF LANSING

Special Meeting, September 22, 1966

An informal meeting was called at the request of Councilman Horace J. Bradshaw.

Present: Alfaro, Gaus, Houck, Keep, Kelley, Jones and McComb-7.

Absent: Butterfield-1.

Councilman Present: Smith, Anas, Moore and Bradshaw—4.

Also: J. C. Walters, Leo Farhat and Mr. Frederick Vorn.

Mr. Bradshaw advised that Mr. Walters wanted to build an office building of four stories, but under the present ordinance he could not. Discussion followed.

The formal meeting was called to order at 9:10 P.M. by Chairman Charles W. Keep.

No. 1524

Motion by Alfaro, seconded by McComb, that the appeal be taken from the table.

Motion carried by unanimous vote.

Mr. Farhat offered in evidence to support the appeal the soil test Borings prepared

by the Michigan Drilling Company. It was found that the subsoil conditions required caissons, and created a hardship to build only three stories. The architect had advised it will be necessary to take four more borings. Mr. Vorn was asked the cost per foot to build the building and replied it would be about \$25.00 per foot. He also mentioned that they might wish to go to 5 stories, but was informed that this would not be possible.

Motion by McComb, seconded by Gaus, that the appeal be approved.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

Mr. Jones stated that he wished to go on record that when a special meeting is called that he be told what it is called for.

Motion by Gaus, that the meeting be adjourned. Meeting adjourned at 9:35 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, September 8, 1966

The meeting was called to order at 7:40 P.M. by Chairman Keep.

ROLL CALL

Pesent: Alfaro, Gaus, Houck, Keep, Kelley and McComb-6.

Absent: Butterfield, Jones-2.

Chairman Keep explained the rules of procedure of the Board.

No. 1525

An appeal by the Michigan Tuberculosis and Respiratory Disease Association, to erect a sign, (non-illuminating sign), to be located 10 ft. from the property line on Shiawassee Street and Seymour Street, upon the premises known as 403 Seymour Street. This being contrary to Section 36-31 of the Zoning Ordinance which prohibits the area of a sign exceeding more than 6 ft. 0 in. and requires them to be attached to the building.

Mr. Les Harkes, Director of Public Relations of the Association, was present. He stated that the Association was better known as the Michigan Christmas Seal Association. He stated that they have received numerous inquires as to where the state headquarters are located. They feel that this identification sign would better inform the public. Mr. Harkes also stated that he had two phone inquiries from local residents who had received notification of the hearing. They were from Mrs. E. P. Nipp, of 421 Seymour, and Mr. John Whipp of Captain's Walk. Both inquiries felt that the sign would be in the public interest.

It was moved by Gaus, supported by Mc-Comb, that the appeal be granted under section 36-12 (7) of the Lansing Zoning Code, subject to the following conditions:

- That the size, location, and structure of the sign be essentially as shown on the plan submitted.
- That the construction of the sign comply with the building code.
- This variance is for one non-illuminated sign.
 - A: The Board found that the restrictions pertaining to signs in the "D-1"

district appears to create a hardship for this particular use at this location.

B: The Board further finds this variance is in keeping with the general intent of the code, and will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: (6).

Nays: None.

No. 1516

An appeal by Joe R. and Donna William, to enclose an existing front porch with glass, which will reduce the required front yard from 20 ft. 0 in. to 7 ft. 8 in., upon the premises known as 401 N. Fairview Ave. This is contrary to Section 36-44 (4) of the Zoning Ordinance which requires a front yard in the "B" one residence district of 20 ft.

Mr. Williams was in attendance, but presented no comments.

No one appeared in opposition to the appeal.

It was moved by Houck, supported by Gaus, that the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code.

Field inspection reveals that many of the dwellings in the vicinity have large open porches, some of which have been enclosed and become an integral part of the structure.

The Board further found that due to the past development, this property owner, wishing to enclose his front porch is confronted with an unusal practical difficulty.

Motion was carried by the following vote:

Yeas: (6)

Nays: None.

No. 1528

The appeal by A & E Building Company, to permit the erection and use of a building, and the use of the premises for public

collaborative digitization project of the City of Lansing and Forest Parke Library and Archives - Cap<mark>ital Area District Libraries</mark>

utility purposes as a gas meter building. This property is zoned "A" one family which does not permit this type of operation. This property is in the 3900 Block of Sheffield Blvd.

Mr. Donald Lowell, of Consumers Power Company, was present to answer any questions concerning the erection of the building.

Mr. Frank Michell, of A & E Building Company, was present on behalf of the appeal and stated that the proposed building would be 8 ft. x 8 ft. and have the same exterior as the adjacent apartments. The purpose of the building would be to eliminate meters in the individual apartment buildings for all of the 76 apartment units,

Mr. Paul Lycos, of 3722 Bayview Drive, stated that he lived directly across from the apartments. This will decrease the value of the adjecent property.

Why should the meter be located outside the apartments?

A plot plan was presented to the Board.

Mrs. Richard Biglow, of 3708 Bayview Drive, Mr. and Mrs. Paul Lycos, of 3722 Bayview Drive, Mr. and Mrs. Paul Jensen of 3716 Bayview Drive, and Mr. Jon Kyttn, of 4012 Sheffield Drive, viewed the sketch of the proposed building.

Mr. Keep commented that the sketch of the building shows it constructed of cement block, but the builder has stated that it would be bricked the same as the apartments.

Mr. Gaus asked why was this location picked? Was there some reason why it had to be placed here? Was it more convenient for Consumers or for the builder?

Mr. Michell stated, that the gas line comes off Bayview and they felt that this was the ideal location. The gas mains will circle the apartment area.

Mrs. Jensen asked what was wrong with putting it by Holmes Road, and was informed that the developer was not building there. She then asked why couldn't it be put over by Waverly?

Mr. Michell stated, that he didn't think that they would be able to see it after shrubs were planted.

Mrs. Biglow stated, that she felt that those people who had commitments on those houses which were not occupied, and those lots which surrounded the property but were not built upon should have some say about this building.

When asked how can they be sure that the building is landscaped, Mr. Keep stated, that the Board in their recommendation can specify proper landscaping.

Considerable discussion followed during which the area residents expressed concern

as to the location of the proposed meter building.

It was moved by McComb, supported by Gaus, that the appeal be granted.

Mr. Gaus stated that he would like to amend the motion to include the expression of the Board to the developer and Consumers Power, that they try to get together to erect a regulator station in this neighborhood. He sated that he would make this another motion after they get through with the motion on the floor.

Mr. Keep wondered if there was any way they could state that they could have the site moved to the corner.

Mr. Gaus stated that if they move it to the corner it would affect some other property, and they would have to resubmit the appeal.

The question was called for. That this be approved as Staff recommended.

Mr. Kelley stated that he doesn't go for that, because if they move it out from in back of the fence it would be right out in the middle of the area and no longer in back of the fence.

Mr. Kelley felt that the motion should specify the distance, because the Consumers Power map indicated that it is in a completely different place.

Mrs. Houck stated that they would only need enough width between the lot line and the building to get a lawn mower in there.

Mr. McComb withdrew his first motion.

Mr. Gaus, withdrew his second to the motion.

Mr. Kelly moved, seconded by Alfaro, that the appeal No. 1528 be granted with the building to be located as indicated on the diagram as submitted with the petition, with the provision that the builder provide screening and aesthetic landscaping to be approved by the Building Inspector before installation and by appropriate departments.

The Board found that the proposed use would not have an adverse affect on the adjacent properties, and the placement of the use to be in harmony with the general purpose and intent of the code.

The motion was carried by the following vote:

Yeas: (6)

Nays: None.

Mrs. Houck moved that the minutes of August 26, 1966, in the motion that she made concerning the Board policy on special meetings be changed to include the words "the Staff and . . the executive committee consisting of . ."

This was approved unanimously.

Mr. Gaus questioned the motion on appeal No. 1524, which was tabled.

Mrs. Houck stated that the Board did state that the motion was made to table pending the rezoning of the property.

Mr. Keep stated that his understanding was that this was a rezoning matter and that they didn't have the power to act.

Mr. Gaus stated that the Planning Board has had their public hearing, but that it wouldn't be considered for rezoning until next month when they will forward their recommendation to Council. Then it will be another month before final consideration.

Mr. Guernsey stated that it would be 60-65 days before action could be consumated.

Mr. Kelley moved, seconded by Gaus, that the minutes be approved of August 26, 1966 as corrected.

Motion carried by unanimous vote.

Mr. Gaus moved, seconded by McComb, to authorize all the taping of the business sessions of the Board.

Motion carried by a five yea and a one nay vote. (Kelley)

Mr. Fountain asked what would be the exact wording of the motion concerning the location of the meter building, and was informed that the building was to be placed within the 15 foot property line offset.

Mr. Gaus asked whether Mr. Butterfield has submitted his letter of resignation, and was informed no. He will submit this directly to the Mayor and the Mayor will appoint a new member.

The meeting was adjourned at 9:00 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Special Meeting, August 26, 1966

The public hearing was called to order at 12:07 P.M. by Chairman Charles W. Keep.

ROLL CALL

Present: Alfaro, Butterfield, Gaus, Houck, Jones, Keep, Kelley and McComb

Absent: None.

No. 1523

An appeal by Donald J. Whipp, Jr. to erect a sign in the "J" parking zone which is contrary to section 36-41 of the Zoning Ordinance. No one appeared in behalf of the appeal.

Mr. E. L. Monroe of 720 E. Gier Street wanted to see a picture of the sign. He wanted to know the height and whether it would obstruct his view of North East Street. He had called the Building Department and they said that the sign would be similar to that of the Burger King. Mr. Monroe stated that the property owner

must be sure that his appeal would be granted because they had already poured the concrete base for the sign. He wanted to know what authorization they had to do this.

Mr. McComb stated that in the past there has been a picture of the sign.

Mr. Brown sent Mr. Main to the Building Department to see if they had a picture of the sign.

Mr. Keep stated that while they awaited a picture of the sign they would proceed to the next appeal.

No. 1524

An appeal by Mr. J. C. Walters and Mr. Fred S. Vorn to erect a four story office building in an "H" light industrial zone. This is contrary to Section 36-53 (1) of the zoning ordinance in that the height in the "H" district is limited to 45 feet or three stories.

Mr. Vorn appeared in behalf of the petition. He stated that it wasn't economi-

cally feasible for them to build less than four stories of 41,800 square feet. He stated that they are planning a very attractive building. He showed the Board a preliminary drawing stating that they had just received the drawing from the architect and were not completely satisfied with it. They are going to resubmit the drawing. Mr. Vorn stated that they will have a parking space for every 300 square feet of office space. He also stated that they have acquired the three family dwelling and also the corner lot on Madison since the appeal was filed. When questioned about the buffer strip he stated that they did not plan on using the area. When questioned concerning the hardship involved he stated that it wouldn't be economicaly sound to build a three story building.

When questioned concerning cost figures to back up this hardship, Mr. Vorn stated that they did not have any cost figures with them. He stated that the projected rental would be about \$5.50 a square foot.

Mr. Brown stated that there is a rezoning petition for this property to "G" business and is scheduled for a public hearing September 6, 1966.

Mr. Vorn stated that the reason for coming before the Board of Zoning Appeals was so that they might get started on the building before the bad weather set in.

Mr. Gaus asked the amount of space that would be rental and was informed about 90%. He then asked what about the fact that they were to resubmit the drawings to the architect. How long would that take?

Mr. J. C. Walters stated that they have already made soil tests and that the drawings should be received from the architect in about 30 days. Mr. Walters repeated that they are planning to have a sharp looking building and that this would be an asset to the City, especially considering that there is a shortage of available office space in the city at the present time.

Mr. Kelley stated that the only basis on which the Board is authorized to act is on hardship and asked what would the hardship be in this case?

Mr. Joseph Petroff stated that it was agreed that a three story building which would by 30,000 sq. ft. would not be economically feasible. The cost of land and of construction would make this economically impossible. The property, as you know, would be across the street from the Community College after it has expanded. Hardship—anything less than four stories—would not pay. If they can't have the four stories they might as well forget about it.

Mr. Gaus asked if there was a date at which they have to vacate their present building.

Mr. Walters stated that if they don't get the new building started quickly they would be forced to move to a temporary location which would be extremely costly.

There was no one present who was opposed to the appeal.

It was moved by Mr. Jones, seconded by Mr. Butterfield that the matter be tabled until action is taken on the rezoning petition for this property Z-142-66.

Motion carried by the following vote:

Yeas: 5.

Navs: 3.

No. 1523

Mr. Joe Penticost, representing Mr. Whipp, appeared and supplied a picture of the sign. It is a standardized Burger Chef sign.

Mr. Monroe asked what authorization had been given for the pouring of the concrete bases

Further discussion followed.

It was moved by McComb, seconded by Gaus that the appeal be granted under Section 36-12. It was found by the Board that the untimely death of the construction superintendent, coupled with the terms of the lease and he pecularity of the "J" parking restriction created a practical difficulty so great that a variance as requested was granted.

Board Policy on Special Meetings

Mr. Gaus stated that these special meetings should not happen. He stated that on the first appeal the applicant was a half hour late and in the second appeal the applicant was insufficiently prepared with the proper data.

Mr. McComb stated that there shouldn't be a hard fast rule stating that there should be no special meetings.

It was moved by Houck, seconded by Jones that requests for special hearings should be carefully screened by the executive committee consisting of the Chairman, Vice Chairman and Secretary before consenting to hold one.

Motion carried by unanimous vote.

Mr. Butterfield stated he would like to submit his resignation from the Board as he is no longer a resident of the City. He stated that he will send a letter concerning his resignation.

Meeting adjourned at 12:45.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, August 11, 1966

Meeting called to order at 7:35 P.M. by Vice-Chairman McComb.

ROLL CALL

Present were: Alfaro, Gaus, Houck, Jones, Kelley and McComb-6.

Absent: Butterfield and Keep-2.

No. 1520

No one appeared in behalf of the appeal to permit the conversion of a residence, which is located in the "J" parking district to a commercial sales and storage use upon the premises known as 112-112½ Garden Street. This is contrary to the Zoning Ordinance in the following particulars: Section 36-41 (4) permits only the parking of vehicles.

A letter had been received on August 8th from R. J. Bretz asking that the Board disregard this appeal inasmuch as the building had been removed, they were no longer interested.

Motion by Gaus, seconded by Alfaro, that the appeal be denied.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1521

Mrs. Retha D. Deason, appeared in behalf of the appeal to erect covered and screened porch which will reduce the required side yard from 3 ft. 0 in. to 0 ft. 6 in., and build upon a total of 77.8% of the required rear yard upon the premises known as 3000 S. Pennsylvania Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-46 (3) requires a side yard of 3 ft. 0 in. for open porches. Section 36-54 (1) limits accessory buildings to an area of 30% of the required rear year. Mrs. Deason stated that none of her neighbors had any objections. She has the cement slab in. She would like to have the area screened, framed, and a roof erected.

Mr. Gaus questioned the size of the area, and was informed that it is about 6 ft. wide and 25 ft. long.

Mrs. Deason volunteered that there is no privacy on the street side corner.

Mr. McComb asked if the existing fence would remain? Mrs. Deason advised that it would, it has been there quite some time. The fence belongs to Mrs. Toogood, 3004 S. Pennsylvania Avenue, her next door neighbor.

Some discussion was held in regard to the slab and the proposed construction. Mr. Brown informed the Board that the slab can be constructed without a permit. However any structure would require a building permit.

Mrs. Deason stated, that on the estimates she had received for this enclosure, the eaves on the roof would run into her sewer so there would be no draining on the neighbor's property.

No one appeared in opposition to this appeal.

Motion by Kelley, seconded by Gaus, that the appeal be granted. The Board did not find that this variance would have any adverse effect on the adjoining property owners, or the general welfare.

Mrs. Houck questioned the comments of the Staff and their recommendation. Mr. Brown gave an explanation of the Staff's recommendations on this appeal.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1522

Mr. Albert L. Ehinger appeared in behalf of the appeal to erect an apartment building, which will reduce a portion of the rear yard from 25 ft. 0 in. to 24 ft. 0 in., and will reduce a portion of the front yard from 20 ft. 0 in. to 17 ft. 0 in., upon the premises known as 1730 Wellington Avenue. This being contrary to the Zoning Ordinance in the following particulars:

Section 36-46 (2) requires a 25 ft. 0 in. rear yard. Section 36-46 (A) requires a 20 ft. 0 in. front yard. Mr. Ehinger presented a plat mat and advised that there would be underground parking for 48 cars for the 28 apartments. The apartments would be of large size and there would be 4 one bedrooms, 20-two bedrooms, and 4-three bedroom units. 20 parking spaces would be provided above ground. They will provide screening. There will be an elevator from the basement parking to the first floor.

Mr. David Miller, of Schultz Homes, appeared in behalf of the appeal.

Mr. D. W. Leyrer, and Mr. Morgan Seaton, both from the neighborhood, appeared and had some questions about the traffic this type of use might create. They were also interested in the placement of the buildings.

Mr. Fred Abood, Attorney representing Dr. A. Spagnuola, also appeared.

Motion by Jones, seconded by Alfaro, that the appeal be granted. The Board found that the variance requested to be minor, and that no adverse affect to the adjoining property or the welfare would result.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

Motion by Jones, seconded by McComb, that the minutes of July 14th be approved.

Motion caried by unanimous vote.

No. 1523

An appeal had been filed, and a letter had been addressed to the Administrative Assistant to the Mayor, by Donald Whipp, Jr. representing the Burger Chief, Inc., requesting that special consideration be given to this appeal because of innumerable reasons. It was also mentioned that another urgent appeal is being filed.

Motion by McComb, seconded by Alfaro, that a special meeting be set up for Friday, August 26th, at 12:00 noon in Municipal Court Room No. 1, 6th Floor of City Hall, for the purpose of hearing these appeals.

Motion caried by the following vote:

Yeas: 6.

Nays: None.

Some discussion on a Board policy in regard to special meetings was discussed, and it was felt this might be considered at the next meeting of the Board.

Meeting adjourned at 8:10 P.M.

RAYMOND C. GUERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF TRUSTEES POLICEMEN'S AND FIREMEN'S RETIREMENT SYSTEM

Proceedings, October 18, 1966

October 18, 1966
Lansing, Michigan
Retirement Board Room
8th Floor, City Hall
3:00 P.M.

The Board of Trustees met in regular session and was called to order by Chairman Jack K. Dunn.

Present: Trustees Butler, Cushman, Dean, DeCair, Dunn and Jackson—6.

Absent: Trustees Graves, Rainwater and Murninghan-3.

Present: Raymond W. Burgess, Secretary.

The minutes of the regular monthly meeting of September 20, 1966 were approved as corrected and placed on file.

The Secretary's report of 6 new members, 0 reinstatements, 1 retired and 0 refunds were received and placed on file.

OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, October 13, 1966

Meeting was called to order at 7:32 P.M. by Chairman Charles W. Keep.

ROLL CALL

Present were: Alfaro, Gaus, Houck, Jones, Keep, Kelley and McComb-7.

Absent: Butterfield-1.

The chairman gave an explanation of the procedure of the Board of Appeals.

No. 1527

No one appeared in behalf of the appeal to reduce the required front yard, which is an established 30 ft. to 27 ft. 8 in. from the sidewalk, upon the premises known as 3006 Hillcrest Street. This is contrary to Section 38-44 (4) of the Zoning Ordinance which requires a 25 ft. front yard or an average of established setback, which in this case is 30 ft.

No one appeared in objection to this appeal.

Motion by Alfaro, seconded by Jones that the appeal be granted.

Some discussion was held on where the responsibility lies on the established setback. Mr. Vernon C. Fountain, Planner, explained that the setback should be on the plan when a building permit is issued. It is the developers responsibility to call the Building Inspector to check when the basement is dug.

The Secretary suggested that the Building Inspector be invited to attend the next meeting.

Motion by McComb, seconded by Houck, that the appeal be tabled to enable the Staff to contact the petitioner, and the Building Inspector, to be present at the next meeting.

Motion carried by unanimous vote.

No. 1529

Mr. Glenn Lindsay appeared in behalf of the appeal to erect a detached private garage on corner lot. The petition request reduces the required front yard from 2 ft. 7 in. to 0 in. and permission to develop a total of 51.89% of the required rear yard for an accessory building upon the premises known as 1601 Coleman Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-44 (4) will not permit an accessory building to project beyond the front line of main building. Section 36-44 (2) (e) limits accessory buildings to an area not to exceed 30% of the required rear yard.

Mr. Lindsay told of the houses in the area and there are no front yards to speak of. He mentioned he was confused on what was referred to as the front and rear because of the lot being subdivided. There are four houses on the lot. There is a fence on the back line. This addition will not be an eye-sore. Will be nice and neat with grass which will be moved. He stated he feels it isn't right to be restricted in this area where it is so subdivided. Other houses in the area are close to the lot lines. He then advised that he didn't understand the percentage of required rear yard. Mr. Guernsey explained this to the appealant.

Mrs. Houck asked how many families live in exist house? She was advised that the petitioners apartment is down stairs and the upstairs is rented. She then asked what is on the extra lot? Mr. Lindsay advised that a house had been removed from the lot. He added that it is a big improvement over what it was.

Mr. McComb asked how many cars park there, and was advised only one. The renters of the apartment do not have a car. Mr. Lindsay then added that some houses in the neighborhood are close to the sidewalk. He did not feel his building will hurt the view from the street.

Motion by Jones, seconded by Alfaro, that the appeal be denied.

The board found based on testimony and evidence that:

 The applicant has not demonstrated any exceptional practical difficulties or undue hardship, that would warrant this variation from the comprehensive plan as established under Section 36-12 (7) of the Zoning Ordinance.

- "A basic cause of blight," as stated by the Federal Housing Administration, "is due to overcrowding of land by buildings with insufficient private and public open spaces for light, air and recreation."
- The present request is not in the community's interest as encroachments such as this threaten the stability of the neighborhood.

Mr. Gaus asked if it could be set back on the lot and was advised that there is no place on the lot to put it.

Mr. McComb mentioned the drive there that goes nowhere.

Motion carried by the following vote:

Yeas: 7

Navs: 0

No. 1530

Mr. Norman Stanton appeared in behalf of the appeal to enclose an existing front porch with glass, which will reduce the established required front yard from 25 ft. 7 in. to 20 ft. 2 in., upon the premises known as 408 W. Greenlawn. This is contrary to Section 36-44 (4) of the Zoning Ordinance which requires a front yard of 25 ft. 7 in. by developed frontage. Mr. Stanton stated that the reason for the appeal is that the screened in porch has a floor in poor condition and it must be replaced with a new one. They want to enclose the porch with glass to make the house much warmer. He told of the houses in the neighborbood who have glassed in porches.

The Secretary asked if the porch would be heated, and advised that it would not.

No one appeared in opposition to this appeal.

Motion by Jones, seconded by Alfaro, that the appeal be granted under Section 36-17 (7) of the Lansing Zoning Code. The Board found based on testimony evidence that this variance will not seriously affect the adjacent property or the general welfare.

Motion carried by the following vote:

Yeas: 7

Nays: 0

No 1531

Mr. William M. Murphy, appeared in behalf of the appeal for a 12 ft. x 16 ft. addition in rear-attached to existing kitchen, reducing the required rear yard of 30 ft. to 12 ft. The structure is located upon the premises known as 2319 Sunnyside Avenue. This is contrary to Section

36-44 (2) of the Zoning Ordinance which requires a rear yard, having a depth of not less than thirty feet. Mr. Murphy added that the lot is almost trianglar in shape.

No one appeared in opposition to the appeal.

Motion by Houck, seconded by McComb, that the appeal be granted under Section 36-12 (6) of the Zoning Code. The Board found, based on testimony and evidence that:

- The irregular shape of the lot generates a particular hardship as defined in the Ordinance.
- The irregular shape in this case actually provides greater open space than would normally be provided in the neighborhood, thus the addition does not overcrowd the land or decrease light and air.

Motion carried by the following vote:

Yeas: 7.

Nays: 0.

No. 1532

No one appeared in behalf of the appeal to reduce the established front yard 1 ft. 9½ in. from 32 ft. 2½ in. to 30 ft. 5 in., a reduction of 1 ft. 9½ in. for a dwelling under construction upon the premises known as 3437 Glasgow Drive. This is contrary to the Zoning Ordinance Section 36-44 (4) which requires a front yard of 32 ft. 2½ in. by the established setback. Mr. Grammatico appeared later in meeting.

Mrs. Daniel S. Delgert, 3501 Glasgow appeared in opposition, and advised that she had called the city Building Inspector at one time. It is a small lot. The Inspector checked the chimmey. This is next door to them. The Inspector called her back, and informed her that legally they could do nothing but the developer had agreed to move the chimmey. This was not done.

Mrs. Houck asked if the house is completed, and was advised that it is being plastered this week.

Mr. McComb asked if it was ready to sell, and was advised that a realtor has been out there.

Mr. Alfaro asked if they wanted the whole house moved back? Mrs. Deigert stated that the garage attached should be moved back.

Mr. Keep asked if they lived on the West side, and was informed that they did.

Mr. McComb asked if the garage is a part of the house, and was informed that it is.

Mr. Daniel Deigert stated his concern over the possible misuse of the Building Inspection's authority.

Mr. Keep and Mr. Guernsey explained to Mr. Deigert that if the Inspector found any infractions, he would stop all further construction, and that a chimney can protrude up to two feet into the setback.

No. 1532

Mr. J. B. Grammatico appeared after the last hearing on the agenda and stated that he felt part of the code is ambiguous. They take the average distance of houses between intersections. In this case the Inspector measured the houses across the street and the houses are closer on his side of the street.

Mrs. Houck asked Mr. Grammatico if he were aware that the setback requirements call for a setback of 5 ft. back further than he had built and asked for an explanation. Mr. Grammatico explained that he had a building permit and he was not told of the setback. He felt the Building Department should do this.

Mr. Keep asked if the basement is back far enough, and was advised that it is not. The garage is over the basement and sticks our further than the house.

Mrs. Houck then asked if he were going to build a nice house wouldn't he want to know these things? The appelant stated that the city should be responsible for this and he should have been advised at the time of rough inspection.

Mrs. Houck then asked if the house was being plasterd this week and Mr. Gammatico stated that he had stopped for 4 weeks with the lathing.

Mr. McComb asked, "what about the chimney?", but got no response. Mr. Keep explained about the complaints. Mr. Grammatico stated that the adjacent building is also in violation as far as the setback. The house was completed about 4 or 5 months ago.

Mr. McComb asked about the setback. Mr. Guernsey informed him that is the Building Inspectors responsibility to estabish the distance.

Motion by Gaus, seconded by Alfaro, that the petition be granted.

Some discussion was held on what could be done to eliminate any further recurrence of this type of appeal.

Motion by Jones, seconded by Houck, that the appeal be tabled to enable the Staff to contact the appelant and have the Building Inspector be here for the next meeting.

Motion carried by majority vote.

No. 1533

Mrs. Retha Deason appeared in behalf of the appeal to erect an addition to a covered and screened porch, which will reduce the required rear yard from 3 ft. 0 in. to 6 in. and will make a total of 63.5% of the required rear yard being used for accessory buildings, upon the premises known as 300 S. Pennsylvania Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-46 (2) requires a rear yard of 15 ft. 0 in. and Section 36-54 (2) (e) limits accessory buildings to an area of 30% of the required rear yard. Mrs. Deason recalled that the Board had granted her earrier appeal for the south side but not on the West, and there is a mix up. The cement is six inches from the line, the holes are made and then it was found that it was not in the appeal. The door will be screened. There is a walk on the West side of the garage. There is one on the east end too.

Mrs. Houck asked if this is all one appeal, and was advised that it is only the west end that was not included, in the original appeal the east end was.

Mrs. Houck asked if she had filled out the original petition? Mrs. Deason, stated that she filled out some and the Building Inspector filled out some.

Mr. McComb asked if the slab is in, and was advised that it is.

No one appeared in opposition to this appeal.

Motion by McComb, seconded by Gaus, that the appeal be denied under Section 36-12 (4) of the Zoning Code.

Mr. Fountain explained the area, the need for a fire wall to carry out the plans as listed on the original appeal.

Mr. Kelley suggested a letter to be sent to the appelant explaining this and Mr. Guernsey explained that Mrs. Deason had already been informed of this by the Building Inspector.

Motion failed by the following vote:

Yeas: 6.

Nays: 1.

The Board found, based on testimony and evidence that any further structural additions to the site should be discouraged for the following reasons:

- They would contribute to further overdevelopment of the land and not allow for adequate light, air and open space on both this property and the adjacent properties.
- The Board cannot find where a hardship exists in this situation, but will merely serve as a convenience to the applicant

and is not in harmony with the general purpose and intent of the Zoning Code.

Encroachment such as these establish a precedent and prompt other individuals throughout the municipality to seek the same privilege thus threatening the stability of the neighborhood.

No. 1534

The secretary read a letter from the Michigan Conference of United Churches, signed by Henry G. Kroehler relative to this appeal. The appeal is to convert a 210 room hotel to a 100 unit apartment building, to be used for housing of elderly people, upon the premises known as 220 Seymour Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-33 requires that one parking space be provided for each dwelling unit. Section 36-48 (5) requires a minimum land area of 100 sq. ft. per dwelling unit (100,000 sq. ft.) The area of the property amount to 11,385 square feet.

Mr. Allison Thomas, Attorney, representing the United Churches Manors who have option to purchase the hotel for elderly citizens appeared and stated that the United Church Manors is a non-profit group who wish to provide low cost housing for elderly families. The Board of Directors is composed of members of the Church of Christ. This is planned to be inter-denominational. The only requirements will be that citizens are 62 years or older and on a limited income of \$4,000 per individual or \$4,800 per couple. They have named a Board of Directors and have made an application to the federal government for \$500,000 to convert the hotel to 100 separate living units. They plan on 72 efficiency apartments that will rent from \$92.50 per month. They will do their own cooking. The first floor will be devoted

to community facilities. They think it will be very unique. This will permit these citizens to live downtown and be useful citizens. They plan on only a small staff and will not have a lot of doctors and nurses. The Federal Government has made a market analysis and have indicated this as an ideal type of development. It will be financed on a 50 year loan at 3% interest. The first floor will have libraries, and a lounge—no living quarters. They feel the yard requirements are not as necessary because they will be within walking distance of everything which would make it more appropriate than present use. They are furnishing parking for 60 to 65 residents of the hotel now, 17 of which are over 65 and only seven of these have automobiles. They estimate that 10% will have cars. At the Women's home there are no cars. Clark's in Grand Rapids has 230 residents with only 20 having cars. They don't think parking will be a problem. There are approximately 150 parking spaces available in the area. They feel there will be less traffic than there is now. It is

estimated there are 12.000 senior citizens in the Central City area.

Mr. McComb questioned entrance requirements for the elderly. They can be from anywhere in Michigan but must meet the age and income stipulations and must have reasonable health. The program will be inter-denominational.

Mrs. Houck asked if they had looked at the facility in Grand Rapids, and was advised that they had not. She suggested they check with Grand Rapids on some potential problems.

Mr. McComb asked in regard to the permanent residents that are there now, do these have first choice and was advised that they do not, but they would be given consideration and would have to fill an application as well as any other person. There are 60 to 65 permanent residents there now.

Mr. Henry Kroehler, minister of the United Church of Christ and chairman of the Board of Directors for this non-profit group, appeared and stated that they have been planning for this type of facility for a long time, and they feel that the Roosevelt has a very feasible location. He further added that the converted hotel in Grand Rapids (Olds Manor) seems to be going in a different direction than this one. Their plans are different.

Mr. Jones asked how many employees would be needed and was advised they would need a janitor, secretary, manager, bookkeeper and volunteers.

Mr. Kelley asked if there were to be a commercial restaurant and was answered "No." There will be an area where meals could be served.

Mr. William Mateer, Housing Director, stated that this is an ideal site. He added that the City plans another low cost rental site across the street from it. The FHA felt this was an ideal location for it. He believes they would coincide as there is a crying need for this type of project.

Their project will rent for from \$30 to \$40. The Roosevelt will rent for a moderate cost. He has visited a number of low cost housing sites in Michigan and had been informed they had overbuilt in parking space. There is not the need. He has been cautioned to put in green area rather than cement. The city wants to get going on this site. They are in favor of it.

Mr. McComb asked where the city site apartment building would be, and was advised that it will be on the northeast corner. There is also a grocery and parking ramp planned across the street, plus the 100 units for the elderly.

Mr. Guernsey asked if the proposed structure will have any community facilities, and was advised that the ground floor will be similar, but they are not allowed to put

in a cafeteria. That is why these two would complement one another.

Mr. Thomas mentioned that older people won't make themselves a warm meal. He mentioned other facilities where they could eat. Facilities will be there for a cafeteria.

Mr. Alfaro asked when they anticipated starting, and was advised that it will be started as soon as it can be cleared.

Mr. Kroehler added that he could not give a date until everything is cleared.

Mrs. Houck asked how the residents could be fed, and was advised they hope to do it by volunteer groups. They can rent out space to commercial enterprises, but do not anticipate doing this.

Mr. Ron Weger, owner of the Roosevelt Hotel, stated he would be glad to answer any questions.

Mr. McComb asked for clarification of the parking facilities. The north will be included. East is leased from the city. Another part is leased from the Board of Water and Light.

Some discussion was held on the parking lot with ingress off Capitol Avenue.

Mr. Keep asked if there were no parking facilities at all with this proposal, and was advised "No" just in easement to the north, some 20 odd feet.

Mr. Guernsey stated that the city is pleased to see non-profit organizations trying to relieve the housing shortage.

Mr. Weger mentioned letters he has received relative to filing applications for this facility.

Mr. McComb asked what if it should come to pass that 50% of the people have cars, and was advised it would be handled on an economic feasibility basis.

Mr. Marletti, Consultant from Cleveland, stated that these could all be housekeeping units. If not, there are a number of restaurants. He mentioned arrangements in

other areas. It can be done in many ways and depends on individual cases. A lot of places charge for parking which is not unreasonable. The residents all must be ambulatory.

Mr. Thomas reiterated that this venture is being sponsored by a responsible organization. They will not let it drag. They will furnish the first floor. Each individual tenant will use his own furnishings.

Mr. Charles Swinehart, Junior Warden of St. Paul's Episcopal Church, advised that they have no objections.

No one appeared to object to this appeal.

Motion by Alfaro, seconded by McComb, that the appeal be granted. Further discussion on the building across the street was held, and the lack of parking area involved in the sale of the building and the proposed remodeling.

Motion by Houck, seconded by Gaus, that the appeal be tabled with a request to be made to the F.H.A. for a special meeting.

Motion carried by unanimous vote.

No. 1535

Mr. Clyde H. Bliesener, appeared in behalf of the appeal to enclose an existing front porch with glass which will reduce the required front yard 5 ft. 3 in. from 24 ft. 5 in. to 19 ft. 2 in., upon the premises known as 228 E. Thomas Street. This is contrary to the Zoning Ordinance Section 36-44 (4) which requires a front yard having a depth of not less than 24 ft. 5 in., by established line of developed frontage.

Mr. Bliesener, stated that they want to enclose the porch, as the cement gets slick in the winter and it will be nicer in the summer.

Mrs. Houck asked if they are adding heat ducts, and was advised that they are not.

No one appeared in objection to the appeal.

Motion by Gaus, seconded by Alfaro, that the appeal be granted under Section 36-12 (7) of the Zoning Ordinance.

The Board found, based on testimony and evidence, that this variance will not seriously affect the adjoining property.

Motion carried by the following vote:

Yeas: 7.

Nays: 0.

No. 1536

Mr. Gary Robinson, appeared in behalf of the appeal to reduce the front yard

area on Banghart Street, fro m20 feet to 10 feet to allow construction of a new building and reduce the set-back of the balcony from 12 ft. 0 in. to 4 ft. 0 in., upon the premises known as the Nip-N-Sip Drivein 2603 North East St. This is contrary to Section 36-50 (4) of the Zoning Ordinance in that required front yard area cannot be less than 20 feet.

Mr. Gaus asked if this were to be an addition, and was advised that it is to allow parking and to keep the business open year around. Presently it is seasonal, and now is closed. The building that was there is to be torn down. This will be a completely new building.

Mr. Gaus asked for a clarification on the rear yard.

No one appeared in objection to this appeal.

Motion by McComb, seconded by Jones, that the appeal be denied under Section 36-12 (7) of the Zoning Code.

Mr. Gaus asked where the present building is on the property, and was informed that it is the dark area on the sketch.

Motion failed by the following vote:

Yeas: 5.

Nays: 2.

Motion by McComb, that the appeal be granted. There was no second. This matter was denied for lack of votes. The Board considered the testimony and evidence that Banghart Street is proposed as a main entrance with the development of Gier Park, if the variance is allowed it will bring a commercial use closer to the automobile and pedestrian traffic flowing to and from the park.

The variance would allow overdevelopment of the property, which is contrary to the zoning regulations.

The Board did not find where a hardship exists in this situation, but this would merely serve as a convenience to the applicant. Full development of the property can be carried out without any variation of the zoning regulations.

No. 1537

Mr. Jerry L. Fischer, appeared in behalf of the appeal to reduce the required front yard from 29 ft. 11 in. to 18 ft. 9 in. a reduction of 11 ft. 2 in., upon the premises known as 2101 Devonshire Avenue. This is contrary to the Zoning Ordinance Section 36-44 (4) which requires a front yard having a depth of not less than 29 ft. 11 in. by established setback of developed frontage.

Mr. Fischer advised that the street is straight, the property behind is curved.

Mr. Gaus asked if the proposed addition would extend beyond the garage, and was advised that it would for about five feet.

Mrs. Houck asked how this would affect people going north on Devonshire, and was advised that it shouldn't present any problem. He stated he feels there will be no traffic problem. The proposed building is set back 2½ feet from the front of the house. He is not going to build out even to the front of his house.

Motion by McComb, seconded by Gaus, that the appeal be granted.

Further discussion was held on what was considered the front of the house.

Mr. Vernon C. Fountain, gave an explanation of the front yard as defined in the Zoning Code.

The Board found, based on testimony and evidence that due to the irregular shape of the lot and the established setback created by the lot to the east, that there was a hardship involved and that the variance would not adversely affect the surrounding property or the general welfare.

Motion carried by the following vote:

Yeas: 6

Nays: 1.

No. 1538

Mr. Gregory Martin, appeared in behalf of the appeal by Quality Dairy Co., to permit the erection of two advertising signs to be located, as shown on attached plot plan upon the premises known as 2101 W. Holmes Road. This is contrary to the Zoning Ordinance Section 36-41 (9) which does not permit this type of sign in the "J" parking districts.

Mr. Martin stated the signs would be to identify the location. They would like identification on the building and along the highway.

Dr. Gerritt B. Gucky, also representing Dr. Phillip F. Large and Dr. John B. Wiegenstein, stated that they feel that they do not need the sign on the front. On the building is OK. The building is set so there is a clear view and can be seen from Holmes Road. He had brought pictures which he presented to the Board. He mentioned the existing buildings in the area. Signs are on the buildings and are visible. He stated he felt the Board would be setting a precedent and that the sign on two poles would create a vision problem.

Mrs. Houck advised the doctor that they had looked at the property before the hearing tonight.

Mr. Martin added that the barber shop and the beauty shop would also like to have the sign and would be interested in a common sign.

Motion by McComb, that the appeal be denied. There was no second.

Motion by Kelley, seconded by Alfaro, that the appeal be granted under Section 36-12 (7) of the Zoning Code and that the sign identifying the rest of the establishments in the group be incorporated with the dairy sign, subject to the following conditions:

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- Area of the signs shall not exceed 70 square feet.
- Maximum height shall not exceed 40 feet.
- No sign shall extend beyond or over lot lines of the lot on which erected.
- 4. Illumination shall be neither flashing nor intermittant and shall be designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.
- The location of the dairy sign shall be on the northwest corner of the property.
- That smaller signs identifying the adjacent businesses may be attached to the sign standard as that of the dairy sign.

The Board found, based on testimony and evidence, that a practical difficulty existed by the limited restrictions of the "J" parking district and that strict application would not permit necessary identification of the businesses.

Motion carried by the following vote:

Yeas: 7.

Nays: 0.

No. 1539

Mr. Lavern Townsend, appeared in behalf of the appeal to erect an attached carport which will reduce the required side yard from 3 ft. 0 in. to 2 ft. 0 in. Carport will also be attached to existing garage upon the premises known as 316 E. Sheridan Road. This is contrary to Section 36-44 (3) of the Zoning Ordinance which requires a side yard of 3 ft. 0 in. for open porches and open carports.

Mr. Townsend, stated that the carport would extend a foot into the side yard

and otherwise would make it a hazard because of the posts.

Mr. McComb asked about the need for a fire wall.

The Secretary advised that none is required in the Zoning Ordinance, this is a building code requirement.

Mr. Richard Foess of 322 Sheridan appeared, and stated that he had no objections.

Mr. Gaus asked how many feet were between his house and the property line, and was advised there were approximately 20 feet.

Motion by Houck, seconded by Alfaro, that the appeal be granted under Section 36-12 (7) of the Zoning Code.

The Board found that based on testimony and evidence that the general purpose and intent will not be impaired by the variation.

Motion carried by the following vote:

Yeas: 7.

Nays: 0.

Motion by Kelley, seconded by McComb, that the minutes of August 11 and 26, September 8 and 22 be approved. Minutes of the August 26th meeting are to be mailed to the Board.

Motion carried by unanimous vote.

Meeting adjourned at 10:15 P.M.

RAYMOND C. GUERNSEY, Secretary.

C/M

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100,000 in Georgia Power

25,000 in Chicago, Burlington, Quincy Railroad

10,000 in Northern Pacific

92,000 in Southern Pacific

20,000 in New York and Chicago

It was moved by Trustee Dean that the Secretary be authorized to invest \$250,000 over the next thirteen months in three different companies.

Motion not carried due to the lack of a second to the motion.

It was moved by Trustee Dean, supported by Trustee Graves that the Secretary be authorized to invest \$500,000 over the next thirteen months in Investment Company of America accompanied with a letter of intent to the company and that the commission be split with two brokers, Mr. Joseph E. Guertin from Channing and Mr. John R. Des Jardins from First of Michigan.

Yes: Murninghan, Dean, DeCair and Graves-4.

No: Dunn, Jackson and Rainwater-3.

Failed: 5 votes needed for passage.

It was moved by Trustee Dean, supported by Trustee Rainwater that the Secretary invest \$20,000 in U. S. Treasury Bills.

Carried.

It was moved by Trustee Dean, supported by Trustee Rainwater that Trustee DeCair be elected chairman for the coming year.

Carried.

It was moved by Trustee Dean, supported by Trustee Rainwater that Trustee Jackson be elected vice-chairman for the coming year.

Carried.

At the close of the meeting the new chairman elect Trustee DeCair presented former chairman Jack K. Dunn with a plaque for one year's faithful service as chairman to the Policemen's and Firemen's Retirement System.

The Board adjourned.

RAYMOND W. BURGESS, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, November 10, 1966

The meeting was called to order at 7:36 P.M. by Chairman Charles Keep.

ROLL CALL

Present were: Alfaro, Gaus, Houck, Jones, Keep, Kelley, and McComb-7.

Absent: Butterfield-1.

No. 1527

No one appeared in behalf of the appeal to reduce the required front yard, which is established at 30 ft., to 27 ft. 8 in. from the sidewalk upon the premises known as 3006 Hillerest Street. This is contrary to Section 33-44 (4) of the Zoning Ordinance which requires the front

yard to be the average of the established setback which is 30 feet.

Motion by Jones, seconded by McComb, that the appeal be denied.

Mrs. Houck asked if the petitioner had been notified and was informed that they had been mailed a card. Mrs. Houck then asked if a stop working order had been put

Mr. Duane Cross of the Building Inspection Division had been invited to the meeting at the request of the Board. Mr. Cross advised that a stop work order had been put on the portion infringing on the setback. He further stated that they cannot work on the part infringing, but they can complete the remainder of the structure.

Mr. Keep asked for the Board's feelings on holding judgment of this appeal until someone representing B & H Enterprises came to the meeting.

Mr. Gaus stated that it appears there is no setback on Hillcrest. The ones across the street seem closer than others. Mr. Cross stated that possibly they are in violation. They may not have been when built, but the area is built up 40% now and the present infringement is 2 ft. 4 in. Zoning establishes a setback in the "A" one family area of 25 feet, however, if some of the builders decided this was not enough and moved their buildings back, the setback would be greater.

Motion by Keep, seconded by Jones, that the appeal be tabled until the applicant presents his case before the Board of Appeals.

Motion carried by unanimous vote.

No. 1532

No one appeared in behalf of the appeal to reduce the established required front yard from 32 ft. $2\frac{1}{2}$ in. to 30 ft. 5 in. a reduction of 1 ft. $9\frac{1}{2}$ in. for a dwelling under construction upon the premises known as 3437 Glasgow Drive. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Requires a front yard of 32 ft. $2\frac{1}{2}$ in. by established line of 40% of developed frontage.

Motion by McComb, seconded by Jones, that the appeal be denied.

It appeared that the appellant was in violation of the stop order, and the Board wondered who was responsible for the setback.

Mr. Cross replied that the City is, if requested. He furnished the Board with a sample of a building permit which is signed by the developer and a registered engineer. Mr. Cross then informed the Board how the established setback is computed. He added further, that at the time of the establishment of the setback for this side of the street, he had a request, and complied with it, to establish a setback line for a lot across the street where there is presently no structure.

Mr. Cross added that no foundation inspection was made on this structure.

The Board did not have sufficient evidence and testimony on the applicant's part as to why the violation occurred, and that there was further testimony made that work continued subsequent to the notification to the applicant regarding the front yard encroachment.

The Board believes that the applicant

should be aware of the requirements of the ordinance to prevent future encroachments.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1534

Mr. Allison Thomas appeared in behalf of the appeal to convert a 210 room hotel to a 100 unit apartment building to be used for housing of elderly people. The area of the property amounts to 11,385 sq. ft. upon the premises known as 220 Seymour Avenue. This is contrary to the Zoning Ordinance in the following particulars: Section 36-33 requires that one parking space be provided for each dwelling unit. Section 36-48 (5) requires a minimum land area of 1,000 sq. ft. per dwelling unit or 100,000 sq. ft. Mr. Thomas read excerpts from a letter from Mr. Weger on leasing ten parking spaces. He mentioned he understood the roof could be used for open space.

Mr. Kelley stated he would like a clarification on whether or not the property to the north is for sale, or is it to be leased for 99 years, etc. Mr. Thomas advised that there has not been any discussion concerning the property's purchase. The federal government would not give any funds for this purpose. This is a non-profit group who have little money. The letter intends to provide 10 parking places on the north side of the Roosevelt Hotel for \$15.00 per month.

Mr. McComb asked if they could obtain a letter of intent for the property to the east, and was advised that they would have to talk to the Board of Water and Light on leasing the property. Mr. Thomas further added that he didn't believe that they would grant a lease for more than five years.

Mr. McComb then added that he was in favor of the overall concept, but he felt they should contact the Board of Water and Light.

Mr. Kelley asked why the parcel to the north couldn't be acquired?

Mr. Weger discussed future plans which call for a nursing and training home.

Mr. Kelley asked if the development depends wholly on the Federal Government?

Mrs. Houck asked if the nursing home to the north would be constructed simultaneously? Mr. Weger replied that it is their intention to construct the nursing home at a later date.

Mr. Keep asked if they were considering

other plans for the corner, and was advised that there would be no other plans until after April 25th when the option is up.

Mrs. Houck asked if they had checked on similar projects in Grand Rapids? There are no recreational facilities and they seem to be having a time of it. Mr. Weger mentioned successful homes in other areas.

Mr. Gaus asked what if the senior citizen home didn't work out? Mr. Weger stated that they would probably try to use it for an office building.

Motion by Houck, seconded by Kelley, that the appeal be tabled until next month.

Motion carried by unanimous vote.

It was further requested that the appellant be contacted on the following: Grand Rapids situation, Board of Water and Light parking, and the property to the north. A copy of the staff recommendation is to be forwarded to the appellant.

No. 1540

Mr. Earl H. Pierson appeared in behalf of the appeal to erect an attached garage which will reduce the required front yard from 25 ft. 0 in. to 17 ft. 0 in., a reduction of 8 ft. 0 in. upon the premises known as 3811 Lochmoor Drive. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Requires a front yard having a depth of not less than 25 ft. 0 in.

Mr. Pierson advised that when he purchased the property it was not surveyed and the stake there was the road width and not the lot line as he had throught. To the west of the house is a drive. Mr. Pierson gave the measurements of the articles to be stored in the garage. He then stated that he could use a garage 18 by 40 feet. Some of the neighbors are in favor of this. He then added that when he moved there, along Waverly Road was a depression. It has been filled partially.

Mr. Keep asked if this would leave 17 feet between the garage and the lot line and Mr. Pierson stated that the garage would be 26 ft. 15 in. from Lochmoor.

Mr. Wilbur E. Reinert of 3745 Lochmoor Drive read the card mailed to him, and stated that he didn't think the ordinance should be violated, and asked the Board to stick to the zoning ordinance. After some questioning by the Board, Mr. Reinert stated that he thought this property was facing Waverly and not Lochmoor. Mr. Reinert withdrew his objections.

Motion by Jones, seconded by McComb, that the appeal be denied as filed and that a reduction of 5 ft. of the required front yard on Waverly Road be allowed to a point 66.15 ft. south of the north property

line. This is in accordance with Section 36-12 (7) of the Zoning Ordinance.

The Board found, based on testimony and evidence, that the requested variance would be excessive, and the front yard requirements along Waverly Road should be maintained as close as possible to the minimum requirements of the code, taking into consideration any future widening of Waverly Road and clear vision for traffic at intersecting streets.

The Board further believes that a reduction of 5 ft. would allow reasonable relief in this situation, and be in keeping with the general intent of the code, without any adverse affect on the surrounding properties.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1541

Mr. Franklyn Kircher appeared in behalf of the appeal to erect an addition to a commercial building which will reduce the front yard setback from 20 ft. 0 in. to 16 ft. 0 in. on the Allen Street frontage upon the premises known as 1601 E. Kalamazoo Street. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars: Requires a front yard setback of 20 ft. 0 in.

Mr. Kircher explained that his tenant complained continually that he did not have enough room. He needs more room in front of the building. The business has been operated there since 1950 by the same company. If he can add two feet on the east and west side, it would make enough room.

Mrs. Houck asked how wide are the two buildings and Mr. Kircher answered that he hasn't measured it. If he added on the east side, cars coming in would have difficulty. Mr. Kircher's plans were reviewed.

Mr. Gaus asked how near they were to the front sidewalk and was advised that he did not know.

Mr. C. T. Gretzinger, of 310 Allen Street asked that the appeal be re-read. He stated that the building is closer to 150 feet from the nearest house rather than over 200 feet as stated on the appeal. Mr. Gretzinger then presented a petition signed by the people in the neighborhood and read it to the Board. He advised that it had 31 signatures on it. Their objections were a traffic hazard, mess of papers, etc, and the noise.

Mr. C. A. O'Dell of 316 Allen advised there are 17 children in the 300 block of

Allen. An addition to the building will create more traffic problems than are there now.

Mr. Kircher added that this addition would allow the occupant of the building to service their own building and customers. They would accept two feet.

Some discussion was held on whether or not the Board could approve the request for a smaller amount than asked for.

Mr. Kircher explained of the need for the three employees and the crowded conditions of working in this small a building.

Mr. Harland Parkhurst of 406 Allen Street said he understood the building was constructed in 1950 which is 16 years ago. Why is the building too small, because of new equipment? He further stated that older people in the neighborhood that dealt with Mr. Kircher have found that their verbal agreements were not as agreed. He further mentioned that power saws, lawnmowers, etc. are noisy. The testing of equipment was supposed to be done in the new building behind. The testing of power equipment outside in the summer starts before 8:00 A.M. This is contrary to an agreement to the neighborhood. He had some further comments on the parking situation both on their property and on the streets.

Mr. Keep asked for a clarification of his objections.

Mr. Gretzinger remarked that he felt the signers of the petition would object to the two foot also.

Mr. Kircher advised on the west side of the building the only parking is by the owner because it is so narrow. As to the noise, this predates his time—1960 was his inheritance. He further mentioned that he had contacted all the people within 300 feet and no one has called him.

Motion by McComb, seconded by Alfaro, that the appeal be denied under Section 36-12 (7). After considering testimony and evidence the Board felt the applicant did not demonstrate any exceptional practical difficulty or particular hardship. The Board felt that the granting of this appeal would establish a precedent which could prompt additional requests in similar cases throughout the City. Continued reduction of the yard requirements on corner lots reduced the sight distance for vehicular and pedestrian traffic.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1542

Mrs. Margaret Gettle appeared in behalf of the appeal to enclose the existing front

porch with aluminum storm windows which will reduce the required established front yard from 24 ft. 6 in. to 16 ft. 11 in., a reduction of 7 ft. 7 in. upon the premises known as 1407 W. Ottawa Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Requires a front yard having a depth of not less than 24 ft. 6 in. — the average of the developed frontage. Mrs. Gettle stated that she had no comments to add to those on the petition.

Mr. Keep asked when the residence was converted to a three family? Mrs. Gettle stated it was such when purchased in 1942. They lived next door.

Mr. Kelley asked if she knew that it was non-conforming at that time. Mr. Gaus asked if she still lived next door and was advised that she lives at this address.

Mr. Kelley then asked if she would be willing to conform to two family if the appeal were granted, and she advised she would not.

Mr. Keep asked about cooking facilities and was advised that all three apartments have them.

Mrs. Houck asked if each apartment was complete within itself and was advised that it was.

No one appeared in objection to this appeal.

Motion by Gaus, seconded by Jones, that the appeal be denied, under Section 36-12 (7) of the Zoning Ordinance. The Board found that based on testimony and evidence that the use on the property is contrary to the district in which the property is located (non-conforming) and to allow additional structural development on the site would not be in keeping with the general intent of the zoning code.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

No. 1543

Mr. Gregory J. Martin appeared in behalf of the appeal to erect an identification sign to be located on property which is zoned "J" parking upon the premises known as 2101 W. Holmes Road. This is contrary to Section 36-41 (7) of the Zoning Ordinance in the following particulars. Prohibits the erection of this type of sign in the "J" parking district.

Mr. Martin stated that they need to flood a portion of the building.

Mrs. Houck asked if he needed two signs.

Mr. Martin explained about the first appeal and the need for this appeal.

Some discussion was held about the difference in the two appeals. This sign is for the dairy only. The other was for another business in the area, plus the dairy sign.

Mr. Keep asked if the other appeal wasn't two-fold, and was advised that it is not possible to have the sign there.

Mr. Jones asked if it could be moved to the west of the corner and was advised that it could not. It is too far. Lot is 70 feet. Mr. Jones then asked if the sign could be in the middle of the lot.

Mr. Kelley remarked that this would be in the middle of an intersecting street and even though the sign would be about 10 feet up, it would affect traffic.

Mr. Gaus asked where were the entrances on Holmes Road, on the east side of the building? and was advised that the curb cuts are at both ends on Holmes Road.

Dr. Phillp F. Lange, 2055 W. Holmes informed the Board that the owner had installed a large concrete base. The special of the day is posted on sandwich boards. This has caused considerable obstruction to traffic. He feels it could be closer to the building or seen from the roof of the building.

Mr. Martin stated that the cement was erected principally to meet the needs for a flood light. He had a permit for the sign temporarily.

Motion by McComb, seconded by Gaus, that the appeal be denied under Section 36-12 (7) of the zoning code.

Mr. Jones asked about amending to allow the sign in the center of the lot, and was reminded that the amendment moving from original stated "to approximately dead center of the building" toward Holmes Road.

The Board found, based on testimony and evidence, that the proposed location of the sign could obstruct the view of traffic for automobiles at the intersection of Holmes Road and Simken Drive, now under construction, and the night lighting of the sign would create a glare to motorists at this intersection.

The Board further believed that their previous recommendation on Appeal No. 1538 was reasonable.

Motion carried by the following vote:

Yeas: 7.

Nays: None.

Mr. Keep thanked Mr. Cross and Mr. Elliott from the Building Department for attending the meeting and clearing up their position on some of the things the Board had questions on. Mr. Elliott then advised that he would try and have one man from their staff at the appeal meetings if it would be of any service to them.

Mr. Keep asked that the secretary check with the Mayor on resignations. It appeared that Mr. Butterfield had moved outside the city, and another member was anticipating moving outside in the near future.

Motion by Houck, seconded by Jones, that the minutes of October 13, 1966 be approved.

Motion carried by unanimous vote, vote.

Meeting adjourned at 10:03 P.M.

RAYMOND C. GERNSEY, Secretary.

OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

Proceedings, December 8, 1966

Meeting was called to order at 7:41 P.M. by Chairman Charles W. Keep.

ROLL CALL

Present were: Keep, Gaus, Jones, Kelley, McComb, and Houck-6.

Absent: None.

HEARINGS

No. 1547

Mr. Bernard Mayotte appeared in behalf of the appeal to erect a church rectory and administration building, a portion of which will be located 15.0 ft. from the south property line, reducing the required side yard from 26.4 ft. to 15.0 ft., upon the premises known as 219 Seymour Street. This is contrary to Section 36-47 (3) and 36-47.1 (3) of the zoning ordinance in the following particulars: in both "D" and "D-1" districts, the minimum required side-yard is 10% of the lot width. The total width of the property is 264.0 ft.

Mr. Mayotte, 700 Abbott Road, East Lansing architect, stated that this structure is replacing three other structures now presently on the property, two of which are now within 9 ft. and 11 ft. respectively from the property line. The other piece to the south, 66 ft. wide, is also owned by the church as well as the piece of property at the corner of Ottawa and Seymour. The church has the bulk of the property. The variance is affecting their own property to the south.

Plot plans indicating the present land use and the proposed building were presented and discussed.

Mrs. Houck asked if they had purchased the building on the corner.

Mr. Mayotte said, "yes the doctor's building on the corner. Also the piece of property to the west of that."

A letter from attorneys Leighton, Andrews, Stapleton, and Harmon stating he has no objection to this appeal, signed by

Mr. Andrews, was received and placed on

Motion by McComb, seconded by Houck, that the appeal be granted under provisions of Section 36-12 (6). The Board found, based on the testimony and evidence submitted, that the adjoining property would not be harmfully affected, but would be improved by the increase in open area along its adjacent property line.

The Board further found that the requirement of the ordinance will be substantially complied with as shown on the site plan.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1548

Mr. Edward Lebanway, from the Lebanway Sign Company in Detroit, appeared in behalf of the appeal to erect a rotating identification sign upon the premises known as 200 W. St. Joseph St. This is contrary to Section 36-31 of the zoning ordinance in the following particulars: this type of sign is not permitted in the "D-1" professional office district.

Mr. Lebanway presented a picture to the Board of a duplication of the sign to be erected on the parking lot at the corner of Capitol and St. Joseph Streets. Capitol Park doesn't have enough parking spaces, so they have purchased all the land except for a clinic and perhaps another house there. The sign is on the corner 75 feet from the nearest building—the rest home. The sign is in Old English tradition so it is not something that is garish or flashy. It is internally illuminated. The sign's purpose is to attract the traffic going down St. Joseph, and also the traffic diverted on Capitol Ave. It is an identification sign. It meets all the sign code requirements except the two little arms sticking out, and some of the embellishments such as the lantern and the little scrolls at the top that make up the extra footage. But this, we feel, is necessary to create an atmosphere with the sign.

Mr. McComb asked if there were two signs up currently, and is this then not a request for a third one?

Mr. Lebanway answered that at the corner, where there is one-way traffic, there was a painted sign, with reflectors over it. They (Capitol Park) want to replace that one with the one petitioned for. They needed the parking space so they purchased almost the whole block of land adjacent to the present property they have, so they feel they need a sign down on the corner so people would know that this is a parking lot to get into the hotel. It will take them off the highway that takes them right out of town.

Mr. Keep asked if Mr. Lebanway felt that any of the existing three signs could go? He was advised that the sign at the entrance is necessary. The one at the corner of Lenawee is, because it is a one way street and people would not know where the entrance to get back in is, so we replaced the sign that was there. We would like to put the sign down there showing that this is a parking lot belonging to the Capitol Park Motel, that people may park there, and that the Capitol Park is at this location.

Mr. McComb asked if people generally park and then register or do they register and then park? He was advised by Mr. Lebanway that if they know there is a parking lot space they will come into the hotel. The advantage is free parking and convenience.

Mrs. Houck asked if it wasn't their intention to have the sign high enough that you could see it from the new highway that is going in down below? He was told that yes, it was but it is fast traffic going through there and they might miss it completely.

Mr. Keep asked if there would be any serious objection of the motel to having the sign anyplace but at that intersection and was told no, as long as its on private property. Mr. Lebanway asked if there was inyplace else the Board might suggest? He stated that anything the Board could suggest to help us would be welcome.

Mr. Keep stated that he didn't know yet what other thinking there might be but whether moving the location west might be better. Mrs. Houck mentioned to Mr. Keep that perhaps he was thinking of the traffic hazard from the glare of the light and Mr. Keep replied that at that location, there at that intersection some questions might come up.

Mr. Lebanway was asked if the sign indicated in the picture is a rotating sign? He answered that the top part is, that it rotates slowly. It has a safety clutch so that if there is a hurricane or something, it will weathervane into the wind. About four rotations a minute.

Mr. Louis Wolfgang, Walker Co., Detroit,

co-manufacturers of the sign work for the hotel chain, stated that they manufacture their signs and install them all over the United States, and we try to cooperate with local communities as much as possible. We must emphasize that the sign is going to be placed entirely on private property. We are not projecting over any sidewalk or road. The fact that the new expressway is going to divert all traffic around that area, will do damage to us unless we identify ourselves to show folks that the hotel is there and we are arranging for an entrance for them. There is no disturbance in traffic and as the traffic goes west they will be able to turn into the drive without disturbing traffic or causing any hazard. That's why we would like it on the private property of this particular corner.

Mr. Guernsey discussed the possible advantages of a location to the block center, to take advantage of traffic using the up ramp on I-496.

Mr. Wolfgang asked Mr. Terry of the hotel, if he is acquainted with this situation? Mr. Terry said yes, we could build west to some degree but we don't want to go too far.

Mr. Wolfgang repeated that they would still like to capture the Captiol Ave. traffic. That's a very good suggestion though and I would like to consider that before actually installing the sign. Mr. Guernsey said he had the expressway plans if they were interested.

Motion by Jones, seconded by Gaus that the appeal be granted under Section 36-26. Based on testimony and evidence the Board found that the applicant should be allowed to locate the requested sign subject to the following:

- The existing sign at Townsent St. be removed.
- That the sign be placed at the approximate midpoint of the block.
- That the sign not project over the public R.O.W. or conflict with traffic control devices.
- That any illumination not be intermittant or flashing.

Strict application of the ordinance would cause hardship to the applicant since other like uses in the "D" catagory are allowed more freedom in locating signs.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1549

Harold Slater, Michigan Bell Telephone, appeared in behalf of the appeal to erect

a building for the purpose of housing telephone relay equipment upon the premises known as Doris St. extended. This is contrary to Section 36-17 of the zoning ordinance in the following particulars: this use not permitted in the "A" one-family district.

Mr. Slater stated, they have two appeals in regard to identical buildings. It is our position that these relay buildings will be an asset to the community rather than a liability from the standpoint that if this equipment has to be mounted at ground level in the street right of way, it is unsightly. If it can be placed in one of these small buildings it is much more lucrative to the individuals in the neighborhood from the standpoint of appearance. All the wires are buried, there is no electricity, it does not interfere with TV transmission.

The Board questioned why the building was not constructed before? The matter had been considered by the Board previously.

Mr. Slater replied that as other businesses, because of money and other factors, other locations, change of plans, we regret that we weren't able to exercise the first option.

The Board asked what type of building this is, and were informed by Mr. Slater that it is an Enco prefabricated building, 6 x 8 in size. A picture of the proposed building was shown to the Board. It is metal and the buildings will be landscaped and concealed. We will comply with neighborhood wishes, painting them any color they desire. There would be basically no windows or doors and the buildings will not have frequent visits to them.

Motion made by Kelley, seconded by Gaus, that the appeal be granted in accord with section 36-12 (4) of the zoning ordinance and based on testimony and evidence, the Board felt the structure be located on the site so as to maintain the established front yard set-backs. This site has been before the Board before, in July, 1965 was approved, and a permit issued. The permit expired and the request is being renewed.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1550

Mr. Harold Slater, Bell Telephone, appeared in behalf of the appeal to erect a building for the purpose of housing telephone relay equipment upon the premises known as 1813 W. Main St. This is contarry to section 36-19 of the zoning ordinance in the following particulars this use not permitted in the "B" one-family district.

Chairman Keep asked Mr. Slater if he had anything to add as far as the telephone company was concerned, over and above his comments on appeal No. 1549.

Mr. Slater stated that the building in the pictures shown to the Board was of a building that is way out in the country.

Mr. Clarence Taylor, 823 Everett Drive, appeared in opposition to the appeal, stating, "that in any neighborhood where something is proposed that you feel may affect the value of your property, there is concern. I see a number of my neighbors here tonite so apparently we are all concerned. Not necessarily that we are opposed to Michigan Bell. Before anything is granted in our neighborhood, we want to know what the score is before we say, yes we think it is good-or no, we think it isn't, because we have a nice neighborhood. What is the size and height of this proposed building?"

Mr. Keep informed Mr. Taylor he had prints there if he would like to look at them.

Mr. Taylor and other interested neighbors opposed to the appeal approached the Board table to see the pictures of the proposed building.

Mr. Guernsey stated that the zoning code permits the Appeals Board to approve a utility that is necessary for an area. This will serve the area with good phone service. The Board has the power to grant this based upon it not harming the adjacent area. This is why it is not a zoning change and why the process is set up so that you have a chance to know about it and come in and discuss it and see what is going to be built.

Those appearing in opposition to the petition were Clarence Taylor, 823 Everett Drive; Willie Williams, 812 Everett Drive; Mildred Robertson, 1821 William Street; Annette Ford, 1901 W. Main; Thomas Washington, 1825 W. Main; Jewell Gill, 814 Everett Drive; Lela Lane, 1913 W. Main; and Walter Hickman, 824 Nipp Avenue

The above mentioned people appearing in opposition to the petition asked both the Board and the two representatives from Michigan Bell Telephone, Mr. Slater and Mr. Edward Kohfeldt, numerous questions concerning safety, appearance, choice of location, TV interference, other possibilities for storing telephone relay equipment, possible reduction of property value, the purpose of the relay station, and of the possibility of the acquisition of the vacant lot containing a deserted gas station on the corner of Nipp Avenue and Main Street.

Motion by McComb, seconded by Gaus, that the appeal be tabled.

Motion carried by unanimous vote.

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Mr. Guernsey asked if it was the intent of the Board that the staff contact Bell Telephone and discuss two possibilities. One, of acquiring the gas station, and two, the possibility of erecting the relay station on the undercarriage of the superstructure of the bridge.

Mr. Keep advised Mr. Guernsey to instruct the staff to check into these possibilities and report back to the Board at the next regular meeting. A time limit of 30 days was placed on the report.

No. 1551

Mr. Donald F. Lynch, 3112 Sussex, appeared in behalf of the appeal to erect a detached private garage which will be located in the front yard, and will reduce the required front yard from 25 ft. 0 in., to 16 ft. 0 in., upon the premises known as 3221 Sussex St. This is contrary to Section 36-17 (6) and Section 36-44 (4) of the zoning ordinance in the following particulars: Section 36-17 (6) requires a private garage to be located 60 ft. 0 in. from the front lot line or connected to the main building. Section 36-44 (4) requires a front yard having a depth of not less than 25 ft. 0 in.

Mr. Lynch stated that he had no idea that there was an ordinance against it when I ordered the garage. We negotiated for three or four weeks before anything was done. I negotiated a loan from the Michigan National Bank to have the garage built. I didn't know it was out of line and I don't know who will stand the loss or if I'll be paying for a garage I don't have.

The Board asked if the garage was already erected and Mr. Lynch replied that it was. The Board also asked when Mr. Lynch found out that it was in the wrong place and were told that the builder informed Mr. Lynch that Mr. Cross informed him it was out of line.

The Board asked Mr. Cross how this type of thing comes up where a garage is already erected and then we find out it isn't where it should be? Mr. Cross replied that in the application for a building permit it only showed one street. This is a through lot so we have two front yards.

Mr. James King, 3124 Sussex appeared in defense of the appellant stating that he lived two houses away. He said that all the houses faced south, that the garages were at the back of the dwellings. He also stated that he had no objection to this garage.

No one appeared in opposition to this appeal.

Motion by Jones, seconded by McComb, that the appeal be granted. Based on testimony and evidence, the Board found the variance in this situation will alleviate an unusual hardship caused by the original

platting which did not consider double frontage lots.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1540

Informal Hearing Mr. Earl Pierson, 3811 Lochmoor appeared on behalf of his appeal to erect an attached garage which will reduce the required front yard from 25 ft. 0 in. to 17 ft. 0 in. a reduction of 8 ft. 0 in. upon the premises known as 3811 Lochmoor Drive. This is contrary to Section 36-44 (4) of the zoning ordinance in the following particulars: requires a front yard having a depth of not less than 25 ft. 0 in.

Mr. Pierson stated that the Board did not sufficiently understand his problems. His appeal had been denied by the Board action on November 10. Mr. Pierson asked for and was granted a special hearing. He brought to the hearing wood models illustrating each thing he wanted to put in his garage. These were shown to the Board. Mr. Pierson stated that he needed help on this problem.

He was advised by the Board that his appeal had already been acted on and that it was impossible to change that action. It was suggested to him that he work with an architect and if something could be worked out, to file a new appeal.

No. 1527

Mr. Harold Bodine, 4025 W. Saginaw St., appeared in behalf of the appeal to reduce the required front yard which is established at 30 ft. to 27 ft. 8 in. from the sidewalk upon the premises known as 3006 Hillcrest St. This is contrary to Section 33-44 (4) of the zoning ordinance in the following particulars: requires 25 ft. front yard or average of established setback which is 30 ft.

Mr. Bodine stated that he hired a building superintendent to supervise the job. We knew nothing about the differences until Mr. Cross came out after the house was up. Our engineer said that he staked it out properly, that the excavator dug it in the wrong place. The excavator says he dug it where it was staked out.

Mrs. Houck questioned if he had a basement inspector out there? She was informed that Mr. Cross could answer that question. Mr. Bodine also remarked that the superintendent is no longer with the company.

Mr. Cross stated that according to his records no basement inspection was called

for at that location. The Board inquired when the first inspection was called for. Mr. Cross replied that the first inspection called for was frame inspection.

Mrs. Houck asked whether a stop work order was put on it, and was it complied with? Mr. Bodine replied yes, to his knowledge, just the frame of the house is there. Mrs. Houck also asked if Mr. Bodine knew why inspection wasn't asked for? He replied that he knew nothing about it until Mr. Cross told him.

The Board asked if any neighbors objected to this appeal and why was nobody there to represent the appeal at the last meeting. Mr. Bodine replied that he received one notice two months ago, that the building superintendent was with them at that time, and they asked him to come down to the meeting.

I received a telephone call the other day but received no other notice of the meeting. I thought the superintendent would take care of it. I heard nothing until Mr. Cross came out to inform me to be here.

The Board questioned where the card had been mailed to and Mr. Guernsey replied that a certified letter had been mailed to 4025 W. Saginaw, and that no receipt had been received.

Mrs. Houck asked Mr. Bodine if after the hearing in October did he check back to see what the decision was? Mr. Bodine replied, "no I did not. We were under the impression that the appeal would be acted on and we would be notified as to what we should do."

Motion by McComb, seconded by Houck, that the appeal be taken from the table.

Motion carried by unanimous vote.

Motion made by McComb, seconded by Houck, that the appeal be granted under Section 36-12 (7) of the zoning ordinance. Based on testimony and evidence the Board found that strict application of the ordinance would be a hardship. The Board further believes that the applicant should be instructed to become aware of the requirements of the ordinance to prevent future encroachments.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1532

In compliance with a Board of Zoning Appeals certified letter, Mr. Grammatico appeared in behalf of the appeal to allow a single family dwelling at 3437 Glasgow Drive to remain beyond the established set-

back. This is contrary to Section 36-44 (4) of the zoning ordinance in the following particulars: Section 36-44 (4) of the zoning ordinance prohibits reduction of the established setback.

Mr. Grammatico stated that the problem seems to be communication. I wasn't here the last meeting. Mr. Cross was here. My motion for appeal was denied. I requested an informal hearing to give you my side. I had obtained a building permit from the Building Department. At that time I stated on the plot plan 25 ft. for eight subdivisions. Duane analyzed it. Making out the plan analyzation sheet, he pointed out seven items I would have to be aware of, none of which points out that this subdivision has to be 40% built. What determines subdivisions 40% built? Duane saw my man. At this time I was not notified that I was in violation.

Discussion followed concerning the issuance of the building permit and inspections.

Mrs. Houck commented "you said that you asked for building inspection?"

Mr. Cross stated "no, there was no basement inspection called for at that address. Mr. Grammatico asserted that he knew it was called in, Mr. Cross was on the job.

The Board asked if the house next door was exactly the same dimensions and Mr. Grammatico replied, "no, it is in violation. The Board then stated that they want Mr. Grammatico to realize that responsibility lies upon him. He answered that "according to your ordinance it is not the builders responsibility to determine the setback on the job."

Further discussion was held on whether or not Mr. Grammatico was properly notified of the hearing and on the finality of the Board's previous action. The Board then discussed the need to clarify notification procedures with the City Attorney.

Motion by Houck, seconded by McComb, that the appeal not be taken from the table until an opinion from the City Attorney is obtained and ask for a special meeting if necessary.

The Motion failed to pass.

Mrs. Houck questioned the fact that in the report it states that it would be impossible to move the house back 1 ft. 9 in., then on the next line it says that the house is already 4 ft. beyond the minimum setback. Mr. Cross answered that "the average setback is 30 ft. but it becomes effective after the 40% development of the land, and the required setback is 25 ft. which is non-valid at this point.

The Board questioned Mr. Cross as to what the average setback across the street is, and at what point the 40% is arrived

at? He replied that across the street it is 28 ft. 7 in. from the sidewalk and that this is the first lot in the subdivision that would come under the 40%. The contractor really has to be on his toes to be aware of this particular thing.

Motion by Gaus that the appeal be tabled until a decision from the City Attorney is obtained.

Motion lost for lack of a second.

More discussion followed as to whether or not Mr. Grammatico was properly notified.

Mr. Cross stated that according to his figures the reduction that Mr. Grammatico was supposed to ask for was 1 ft. 9½ in. If the appeal had been granted, he would still have been in ½ in. violation of the code. Would it be possible for Mr. Grammatico to reapply and instead of asking for a reduction of 1 ft. 9½ in. ask for a reduction of 1 ft. 10 in. even though he doesn't use the other ½ in.?

Chairman Keep recommended to the staff that they ask for a legal opinion of this particular case with all the facts before anything more is done. Would also suggest that the staff recommend to Mr. Grammatico that he apply for another appeal giving the correct dimensions.

It was suggested by Mr. Guernsey that gavels be given to John Petroff, Roger Butterfield, and Reuben Alfaro.

Motion by Gaus, seconded by Houck, that gavels with a letter of commendation be given to members when they resign from the Board.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

No. 1534

Motion by Houck, seconded by Jones, that the appeal by the Lansing Roosevelt Hotel to convert a 210 room hotel to a 100 unit apartment building to be used for housing of elderly people, be taken from the table.

Motion carried by unanimous vote.

Mr. Guernsey stated that he had requested information concerning property that the Board of Water and Light owns with the possibility of leasing the space for parking. A letter to the Board of Zoning Appeals from Hubbard, Fox, Thomas and Born, signed by Mr. Allison K. Thomas, dated November 15, 1966 was read aloud by Mr. Guernsey.

Mr. Guernsey also stated that Mr. Kroehler contacted the people in Grand Rapids and that he had not been able to get through to the Federal Government, that Grand Rapids does not really handle this. If we could get through to the Federal Government in Chicago, we would formally ask them to furnish us with comments.

Motion by Jones, seconded by McComb that the appeal be denied.

Based on testimony and evidence the Board felt that the Zoning Code of the city requires that:

- 1 parking space be provided for each dwelling unit.
- A minimum land area of 1000 square feet per dwelling unit (100,000 sq. ft.)

The total land area which is presently under the ownership of the Lansing Roosevelt Hotel Company consists of:

Lot 10 and the north 3 feet of Lot 9, Lot 11, and Lot 12, in Block 95 of the original plat of the City of Lansing.

This land totals to 33,165 square feet.

The proposed use of this structure for housing for the elderly is logical and to be encouraged, especially in light of our critical shortage of housing for this segment of our population.

Reasonable requirements for the proposed use should provide an outdoor area for active and passive activities, as well as one (1) parking space for each two (2) dwelling units—plus one space for each employee.

The City of Lansing is involved in the development of a home for the elderly in the block to the north of the site under consideration. The following is a comparance of the property under consideration and the development proposed by the City to the north.

City Desired Deserved

Location	Roosevelt Hotel 220 Seymour	South ½ of block bound by Ionia, Seymour, Shiawassee, and Capitol
Land Area	11,385 Sq. Ft.	74,250 Sq. Ft.
Height of Bldg.	7 stories	10 stories
No. of Units	100	100
Breakdown of units	72 efficiencies, 28 one bedroom	67 efficiencies, 33 one bedroom

Lot Area Per Unit	Approx. 113 Sq. Ft.	Approx. 742 Sq. Ft.
Off Street Parking	0	54
No. of Employees	4-5	1
Outdoor Recreation Area	0	Approx. 10,000 Sq. Ft.

The Board found that the modification requested far exceeds the minimum requirements of the Zoning Code and reasonable land area of the proposed use; and that the appeal as filed could not be granted. The Board further found that a modification to the appeal, which would reflect the following could be given favorable consideration.

- Additional land area to the North, Lots 11 and 12, consisting of 27,780 square feet be included in the petition.
- That 10,000 square feet of the above area (Lots 11 and 12) be developed for recreational use by the occupants.
- That sufficient area be reserved for off-street parking at a ratio of 1 space for each 2 units.

Note: That a portion of such parking space area could be provided through lease arrangements. That the Appeal Board further recommend that the property be zoned "D" apartment.

Motion carried by the following vote:

Yeas: 5.

Nays: 1.

Meeting adjourned at 10:25 P.M.

RAYMOND C. GUERNSEY, Secretary.

TC